

Chapter 28 SIGNS AND BILLBOARDS*

*State law reference(s)--Authority of city to regulate, control or prohibit the erection of signs or billboards, Vernon's Ann. Civ. St. art. 1175(24).

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ARTICLE I. IN GENERAL

Sec. 28-1. Short title.

This chapter shall be known and may be referred to as the sign and billboard ordinance of the city.
(Ord. No. 58486 § 34-1, 3-22-84)

Sec. 28-2. Legislative findings; intent.

In enacting this chapter, special notice has been taken of the often competing viewpoints of citizens and the sign industry;

particularly that portion of the industry engaged in billboard operations. Frequently, the citizens' right to an unobstructed view has been pitted against the right of the sign industry and its clients to do business, promoting a "winner take all" in resolving conflicts. This chapter has been designed to protect and accommodate both concerns. As such, it has inevitably, and properly, led to some forms of compromise. In arriving at these compromises, every possible consideration has been afforded the public interest, individual property and business rights, and the need for signs and outdoor advertising. Compromise obviously implies mutual concessions and/or losses; it also suggests, and this chapter has been developed in that spirit, mutual gains and benefits. It is, further, the intent of this chapter that its burdens and benefits be fairly and rationally distributed among all parties involved.

(Ord. No. 58486, § 34-2, 3-22-84

Sec. 28-3. Purpose.

This chapter is enacted to provide minimum standards to protect the life, health, safety, property, welfare, convenience and enjoyment of the general public by regulating and controlling the design, quality of materials, construction, erection, location, electrification, lighting, use, maintenance, and safe transportation of all outdoor advertising signs and sign structures as well as ascertain that all billboard and commercial sign operators are properly licensed, insured, and bonded. The purposes of this chapter are, in addition to making San Antonio safer by eliminating or reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment while facilitating the communication of messages to the public, the following:

- (1) Protect the safety and efficiency of the city's transportation network by reducing confusion or distractions to motorists and enhancing motorists' ability to see pedestrians, obstacles, other vehicles and official traffic signs, signals, or devices by eliminating a proliferation of messages for the reader.
- (2) Require that all signs conform to the erection and maintenance regulations to insure that they are safely constructed and do not create hazards or obstructions to access and views, or be located on a public right-of-way.
- (3) Preserve, protect and enhance aesthetic and economic/property values regardless of whether they are of a natural or manmade environment by establishing requirements for the height, size, brightness and movement of commercial signs.
- (4) Preserve, protect and enhance the image and attractiveness of the City of San Antonio for its citizens and visitors through the identification of the special character and economic advantages of its subareas.

- (5) Preserve and enhance the impression of the city which is conveyed to citizens, tourists and visitors by limiting the construction and erection of any new billboards.
- (6) Preserve, protect and improve San Antonio's quality of life, which although difficult to define, is possibly the city's most valuable resource.

(Ord. No. 58486, § 34-2, 3-22-84; Ord. No. 62653, § 1, 4-3-86)

Sec. 28-4. Enforcement.

(a) *Jurisdiction.* The provisions of this chapter shall be applicable to the entire area within the corporate limits of the City of San Antonio and in the extraterritorial jurisdiction (ETJ) of the City of San Antonio as defined in the Municipal Annexation Act (Article 970(a), Vernon's Texas Civil Statutes).

(b) *Board authority.*

- (1) The electrical examining and supervising board shall have authority regarding licensing, off-premises signs and electrical considerations as explicitly set out in various sections of this chapter.
- (2) The members of the board of adjustment shall act as an advisory board to the director of building inspections regarding requests for variances from regulations within Article IX (on-premises signs) and Article VII (urban corridors within the city's extraterritorial jurisdiction). Urban corridors within the city's corporate limits remain under the purview of the Unified Development Code. In addition, the board shall act as an advisory board to the director regarding any decision interpreting Article IX made by the chief electrical inspector.

(Ord. No. 58486, § 34-3, 3-22-84; Ord. No. 62654, § 1, 4-3-86; Ord. No. 83198, § 1, 11-16-95)

Sec. 28-5. Legislative nature of "commentaries."

Throughout this chapter, subsections prefaced "commentary" have been inserted below individual sections of the text. Each commentary is intended as an official statement of legislative finding or purpose. Whenever a section or subsection is deemed to require clarification, explanation of intent, or further elaboration, a commentary has been included. These commentaries have been legislatively adopted together with the more formal text of the chapter. They are intended as a guide to the administration and interpretation of the chapter and shall be treated in that fashion.

(Ord. No. 58486, § 34-2, 3-22-84)

Sec. 28-6. Definitions.

When used in this chapter, the following terms shall have the following meanings:

Abandoned sign shall mean a commercial sign which no longer serves to direct attention to a business, product, service, or activity which is conducted upon the premises where such sign is located.

Advertiser shall mean any natural person or entity created by law who uses signs or other medium to convey a message.

Advertising bench shall mean any bench providing seating to the general public without charge, which may bear advertising.

Automobile sales shall mean a business enterprise whose primary activity is the sale of new automobiles or trucks.

Bill shall mean any advertising poster or handbill.

Billboard operator shall mean any person licensed by the electrical examining and supervising board to install, erect, service, maintain, alter, repair or demolish billboards.

Board, unless otherwise stated, shall mean the electrical examining and supervising board.

Cabinet sign shall mean a sign consisting of metal enclosures which have a face area to provide messages or advertising and which may or may not be illuminated.

Channel letter sign shall mean a sign composed of raised, cut-out letters or symbols constructed of metal which may or may not be illuminated.

Commercial sign operator shall mean any person licensed by the electrical examining and supervising board to install, erect, service, maintain, alter, repair or demolish commercial signs.

Cultural facilities shall mean establishments such as museums, art galleries, public libraries and community centers, botanical and zoological gardens, and theaters for performing arts, which, although they may charge an admission fee, are essentially nonprofit and are principally funded through public expenditures, foundation grants, and donations.

Cutouts shall mean the industry term referring to reproductions of that portion of the graphic elements of a billboard which project beyond the normal limits of the advertising face to dramatize the copy and the advertising message.

Developer/builder residential shall mean a person who is engaged in the business of assembling, preparing and promoting land for

residential real estate development or a person who is engaged in the business of building homes in a residential real estate development.

Director shall mean the director of building inspections.

Embellishments shall mean any feature such as a cutout, neon or plastic letters, clock, electric device, and space extension, which is added to an outdoor advertising structure.

Facade shall mean the exterior walls of a building exposed to public view or that wall viewed by persons not within the building, including any vertical extension of a building wall (parapet), but not including any part of the building roof.

Fireproof structure shall mean a sign constructed entirely of steel members including structural support for the sign face. The sign face and its support members may be constructed of wooden or metal panels.

General maintenance as it regards on-premises signs, shall be defined as repair or replacement or existing parts with like items, such as lamps, lamp sockets, neon tubing, ballasts, motors, pulleys, bearings, plastic faces, refacing, painting, and miscellaneous bolts, screws or rivets. However, it shall not include any rebuilding, reconstructing or any reconfiguration of the existing sign cabinet.

Historic area shall mean a district or zone designated by the city council or a unit of the state or federal government, within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale. An historic area may also be a part of, or related to, a square, park, or other area; the design of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

Historical building shall mean any building or structure which is officially designed as historically or architecturally significant by a unit of local, state, or federal government.

May implies permissiveness and connotes a nonmandatory action.

Menu board shall mean a sign placed so as to be viewed from a drive-through lane and containing a listing of products and prices offered by the business. A menu board may include a mechanism for ordering products while viewing the sign.

Multiple tenant sign shall mean a pale sign which advertises three (3) or more businesses, each with a separate certificate of occupancy.

Neighborhood shall mean a distinct segment of the community, usually consisting of essentially similar housing stock, whose boundaries are defined by physical barriers such as major arterial

streets and railroads and/or natural features such as creeks and rivers.

Occupancy shall mean a business, office, or other enterprise which has a separate certificate of occupancy.

Off-premises sign shall mean a sign which directs attention to a business, product, service, or activity which is conducted, sold, or offered at a location other than the premises on which the sign is located.

On-premises sign shall mean a sign which directs attention to a business, product, service, or activity which is conducted, sold, or offered upon the premises on which the sign is located.

Park shall mean a publicly owned tract of land designated and used by the public for active and/or passive recreation.

Pennant shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, and designed to move in the wind.

Practical experience shall mean performing work with, but not limited to, hand tools and equipment, welding equipment, hole diggers, cranes, and other equipment used in the installation of and/or the construction of signs.

Recognized commercial or industrial activities shall mean activities customarily permitted only in zoned commercial or industrial areas except that none of the following shall be considered recognized commercial or industrial activities:

- (a) Outdoor signs;
- (b) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, temporary roadside fresh produce stands;
- (c) Activities not housed in a permanent building or structure having functioning water and sewer connections and functioning electrical connections;
- (d) Activities conducted in a building primarily used as a residence;
- (e) Railroad right-of-way;
- (f) Activities more than two hundred (200) feet from the edge of the right-of-way;
- (g) Activities conducted only seasonally or which are not conducted an average of at least thirty (30) hours per week or at least five (5) days per week;

- (h) Activities conducted in a building having less than three hundred (300) square feet of floor space devoted to such activities;
- (i) Activities not conducted by human beings;
- (j) Activities which have not existed at least ninety (90) days.

Reface as it pertains to on-premises signs, shall be defined as replacing, restoring, repainting or repairing the existing advertising sign face area which is attached, affixed, or supported from the sign cabinet and/or main structure. It shall not include any rebuilding, reconstructing or reconfiguration of the existing sign cabinet and/or existing supporting structure.

Shall connotes a mandatory action.

Sign shall mean any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The foregoing enumeration of signs shall not be considered to be exclusive. The term "sign" shall include all other devices or structures as may reasonably be included under it; whether attached or unattached. This definition excludes all national or state flags, nonelectric window displays, graffiti, athletic scoreboards, and the official announcements or signs of government.

Sign, animated or moving shall mean any sign, or part of a sign, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign area shall mean the entire advertising area of a sign excluding any framing, trim, or molding and the supporting structure.

Sign, attached shall mean a sign attached to, on, or supported by any part of a building which encloses or covers usable space. Attached signs include wall signs, awnings or canopies, marquee signs, and projecting signs.

Sign, awning, canopy or marquee shall mean a sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by chapter.

Sign, back to back shall mean a structure containing two (2) parallel signs whose faces are oriented in opposite directions and are spaced no more than ten (10) feet apart.

Sign, billboard (off-premises) shall mean any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, structure or thing which directs the attention of the

traveling public to a business, commercial product, commercial activity, or commercial service, conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, canopy shall mean a sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over an entrance or window, or along a building facade.

Sign, commercial shall mean a sign which directs attention to a business, product, service or activity which is conducted upon the premises where such sign is located.

Sign, electric shall mean any sign on which letters, figures, designs, or messages are formed or outlined by electric illumination, or by a transparent or translucent medium which is electrically illuminated, whether the illuminating device is contained within or on the sign and shall also include all outside building outlining, and interim decorative displays and gas tube window outlining. Signs illuminated by electric lights which are not attached to the sign, and signs which are lighted by floodlights or projectors, are not classified as electric signs within the meaning of this chapter. Any portable sign that has electrical components attached, connected to, or part of the sign, or support, whether electrified or not, shall be considered an electric sign and all provisions of this chapter pertaining to electric signs shall apply.

Sign, face shall mean the area or display surface used for the message.

Sign, flashing shall mean any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, governmental shall mean a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Sign, incidental shall mean a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

Sign nonconforming shall mean a sign which was lawful prior to the adoption or revision, or amendment of this chapter, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of this chapter.

Signs, overhanging shall mean a sign which is suspended over a sidewalk, street, or other public right of way. An overhanging sign may or may not be a projecting sign.

Sign, pole shall mean a sign that is mounted on a free standing pole or other support.

Sign, political shall mean a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, portable shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign. The term "nonelectric portable sign" shall mean any portable sign which does not have any electrical components.

Sign, projecting shall mean a sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

Sign, real estate shall mean a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, roof shall mean a sign that is mounted on, and is wholly supported by, the roof of a building and which projects above the point of a building with a flat roof, the cave line of a building with a gambrel, gable, or hip roof, or the deck of a building with a mansard roof.

Sign, temporary shall mean any noncommercial, not for private profit sign, the use of which is limited to a period of ninety (90) consecutive days, and which meets the requirements set forth in section 28-117. Signs utilized for a longer period must conform to all requirements set forth by this chapter for permanent signs.

Sign, V-type shall mean a structure composed of two (2) signs with the faces oriented in opposing directions and in the shape of the letter "V"; provided, however, that only one (1) face can be viewed from any one (1) direction.

Sign, wall shall mean a sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve (12) inches from the building or structure.

Sign, window shall mean any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Street Classification, Arterial Type A (commercial collector): Any street designated as a primary or secondary arterial Type A in the City of San Antonio Major Thoroughfare Plan.

Street Classification, Arterial Type B: Any street designated as primary or secondary arterial Type B in the City of San Antonio Major Thoroughfare Plan.

Street Classification, Commercial Collector: A street which primarily serves non-residential purposes and provides access to abutting, non-residential property, collecting traffic from local streets to distribute to arterial streets and expressways. Also refers to Arterial Type B.

Street Classification, Expressway: Any street designated as an expressway in the City of San Antonio Major Thoroughfare Plan.

Street Classification, Local: Any street not defined in this Chapter as an arterial Type A; arterial Type B; commercial collector; or expressway.

Street frontage shall mean the distance for which a lot adjoins a public street, from one lot line intersecting a street to the furthest distant lot line intersecting the same street.

Temporary weekend sign shall mean a temporary off premise sign that is permitted to be placed on the right-of-way of a road or highway maintained by the city, (but not a part of the state highway system, or a scenic or urban corridor) in a manner consistent with the rules and regulations contained within this Code.

Zone shall mean one (1) of the standard zoning classifications established in Chapter 35 of this Code.

(Ord. No. 58486, § 34-11, 3-22-84; Ord. No. 62653, §§ 4, 5, 4-3-86; Ord. No. 62654, § 2, 4-3-86; Ord. No. 76381, § 2(Art. II), 8-27-92; Ord. No. 77929, § 1, 5-13-93; Ord. No. 81318, § 1(Att. 1), 12-8-94; Ord. No. 83198, § 1, 11-16-95; Ord. No. 87156, § 1, 12-18-97)

Sec. 28-7. Certain items exempted from chapter provisions.

Letters or figures on windows, doors, awnings and advertising benches placed pursuant to a contract with the city are not addressed by this chapter.

(Ord. No. 58486, §§ 34-3, 34-11, 3-22-84; Ord. No. 80438, § 1, 7-7-94)

Sec. 28-8. Classification of signs.

The following classes of signs are governed by this chapter.

- (1) Temporary signs.
- (2) Wall signs.
- (3) Projecting signs.
- (4) Pole signs.

- (5) Roof signs.
- (6) Billboards.
- (7) Portable signs.
- (8) Special signs.
- (9) Electric signs.
- (10) Commercial signs.
- (11) Official signs.
- (12) Back to back signs.
- (13) V-type signs.

(Ord. No. 58486, § 34-4, 3-22-84)

Sec. 28-9. Posting signs on structures and natural features.

(a) *Definitions.* As used in this section, the following words and terms shall have the meanings respectively ascribed:

Natural feature means that which is found in its natural or original state out of doors and has not been converted into a structure as defined in this section, and includes but is not limited to trees, bushes, shrubbery, rocks, boulders and earth.

Person, corporation or association with reasonable connection means, by rebuttable presumption, any of the following: An individual, corporation or association that owns the sign; an individual, corporation or association advertised or displayed on the sign; an individual, corporation or association in whose name a telephone number displayed on the sign is listed with the telephone company; an individual, corporation or association whose name or service was advertised or displayed on the sign in promotion of that which was advertised or displayed thereon; an individual, corporation or association that affixed, erected, posted, maintained or displayed the sign.

Sign means that which is defined in section 28-6 of this chapter, and includes the following items, among others not hereinafter enumerated: Bill, poster, label, paper, sticker or any other advertisement or announcement whatsoever.

Structure means anything built, constructed or erected or any piece or work artificially built up or composed of parts joined together in some definite manner, including but not limited to buildings of any kind, utility poles, fences, fire hydrants, street light standards, traffic light standards, traffic directional sign standards or any other thing to which a

sign, may be placed, affixed, erected, painted, posted, maintained or displayed.

(b) Posting, etc. of signs on structures and natural features.

- (1) It shall be unlawful for any person with reasonable connection to any sign to knowingly place, affix, erect, paint, post, maintain or display in any manner whatsoever, or knowingly allow or cause the same to be done, the sign on any structure or natural feature on public property.
- (2) It shall be unlawful for any corporation or association with reasonable connection to any sign with criminal negligence to place, affix, erect, paint, post, maintain or display in any manner whatsoever, or with criminal negligence allow or cause the same to be done, the sign on any structure or natural feature on public property.

(c) Failure to remove signs on structures and natural features.

- (1) It shall be unlawful for any person with reasonable connection to knowingly fail to remove a sign on any structure or natural feature on public property within ten (10) days after notice is received by registered mail from the director of building inspections or his designee.
- (2) It shall be unlawful for any corporation or association with reasonable connection with criminal negligence to fail to remove a sign on any structure or natural feature on public property within ten (10) days after notice is received by certified mail from the director of building inspections or his designee.

(d) Affirmative defense. It is an affirmative defense to prosecution under this section that written permission has been granted by the city council or its designee or other appropriate public authority for a sign to be erected or maintained on a public sidewalk, right-of-way or other public property. Such permission is an affirmative defense to prosecution only for the time and the location specified in such written permission.

(Ord. No. 58486, § 34-5, 3-22-84; Ord. No. 67026, § 1, 4-28-88)

Sec. 28-10. Posting signs and bills on private premises.

No person shall affix a sign or bill by any means whatsoever to any private property without having first obtained the written permission of the owner or his or her agents.

(Ord. No. 58486, § 34-6, 3-22-84)

Sec. 28-11. Carrying or transporting signs.

(a) *Generally.* It shall be unlawful to carry or transport by any means, or cause to be so carried or transported, any sign in excess of thirty-two (32) square feet in area, without the approval of the director of building inspections. This provision shall not apply to a sign on a vehicle which is used principally for a purpose other than advertising.

(b) *Commentary.* Commercial vehicles which have the business's name, logo, slogan or license number painted on them are primarily means of transportation, not an advertising medium. Therefore, the provisions of subsection (a) do not apply to the automobile, truck, or van per se.

(Ord. No. 58486, 34-7, 3-22-84)

Sec. 28-12. Signs posted at commercial parking areas.

(a) Every commercial parking area, except those which are offered to the general public at no charge, shall be subject to the following notice provisions.

(b) The owner, agent, or lessee of a commercial parking area shall give notice of the conditions under which the area may be used at every entrance to the commercial parking area. Such notice must be given orally or in writing and shall include:

- (1) A statement specifying those persons who may park in the area and prohibiting all others.
- (2) The rates charged for parking in that area, and the term of parking applicable to those rates, if the facility is offered to the general public.
- (3) The location at which unauthorized vehicles are to be towed and stored, the name and telephone number of the operator of the parking area, or the name and telephone number of the party charged with removing unauthorized vehicles.
- (4) Written notice required by this section shall be plainly visible to the public, and all lettering on the sign must be at least three (3) inches high.

(Ord. No. 58486, § 34-9, 3-22-84)

Sec. 28-13. Schedule of fees.

A fee schedule detailing the fees charged for all examinations, reexaminations and various sign permits required by this chapter shall be passed by the city council by separate ordinances. A copy of the ordinance will be posted in the offices of the department of building inspections and in the office of the city clerk.

(Ord. No. 58486, § 34-27, 3-22-84)

Sec. 28-14. Sign inspections.

The director or his duly authorized inspectors shall have the right to visit any site where a sign is being or has been erected, or enter any building where a sign is being or has been constructed for installation within the city, during reasonable hours, in the discharge of their official duties, for the purpose of making any inspection necessary.

(Ord. No. 58486, § 34-42, 3-22-84; Ord. No. 62653, § 21, 4-3-86)

Sec. 28-15. Violations; penalties; civil remedies; nuisance signs; removal; reclaiming.

(a) *Violations.* Failure to comply with the provisions of this chapter shall constitute a violation of the City Code of the City of San Antonio. Each day a violation exists shall constitute a separate violation and, consequently, a separate offense.

(b) *Penalties.* Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00).

(c) *Civil remedies.* The city manager may authorize the city attorney to file an action in a court with appropriate jurisdiction to seek civil remedies to require the demolition of any sign at the owner's expense which is dangerously damaged or deteriorated. A sign is considered to be dangerously damaged or deteriorated if it is damaged beyond fifty (50) percent of its replacement value. The action may include a claim for civil penalties as provided by state law. Civil remedies contained herein shall be construed to be in addition to the power of the city to abate public nuisances.

(d) *Nuisances; removal; reclaiming.* Any sign erected or maintained in any manner to constitute an immediate threat to the health, safety or welfare of the public shall constitute a public nuisance. If the owner, operator or lessee of the sign fails to remove or repair the sign within three (3) days after being notified by certified mail to do so, it may be removed by the city at the expense of the owner or the person erecting, using, or maintaining it. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within the thirty (30) day period, the city may, after notice to the sign owner and a hearing before the director, destroy, sell, or otherwise dispose of the sign.

(e) It shall be unlawful for the owner of an abandoned sign or of the premises where such sign is located, to fail to correct such sign. A sign is corrected when it serves to direct attention to a business, product, service or activity which is conducted upon the premises where such sign is located, and is maintained with the

proper structural supports as determined by the director of building inspections.

(f) The director of building inspections or his representative shall notify by certified mail the owner of an abandoned sign or of the premises where such sign is located, that such sign is subject to removal by the city if not corrected within six (6) months after receipt of notice. The affected party may request a hearing before the director of building inspections as provided hereinbelow.

(g) If the abandoned sign is removed by the city as permitted hereinabove, the director of building inspections shall mail notice of such removal to the owner of the sign or of the premises where such sign is located, if the owner and mailing address is known, and, if not known, said notice may be published in a newspaper of general circulation in the city. Said notice shall also notify the owner of the location where the stored or impounded sign may be claimed, the storage charges that must be paid, and if unclaimed for a period of thirty (30) days after its removal, or if the storage costs are not paid within the thirty-day period, the sign shall be destroyed, sold or otherwise disposed of.

(h) During the pendency of any of the above actions, any affected sign owner or owner of the premises where such sign is located, shall have the right to receive a hearing before the director of building inspections to offer proof that the property is being actively marketed or to protest any of the following:

- (1) The determination that the property is in violation of standards set out in this article;
- (2) The cost to rectify the violation;
- (3) The adequacy of the notice.

At the conclusion of such hearing, the director of building inspections may extend the time period for no more than two (2) years to correct the sign, or take other appropriate action to resolve the matter. During that time period, the display surface must be appropriately paneled. If the sign does not meet the standards of Chapter 28 and has no nonconforming status, the sign must be brought into compliance with Chapter 28 as a condition of obtaining a permit for reuse as a commercial sign.

(Ord. No. 58486, § 34-8, 3-22-84; Ord. No. 62653, § 2, 4-3-86; Ord. No. 66109, § 2, 11-19-87; Ord. No. 77929, § 2, 5-13-93; Ord. No. 81318, § 1(Att. 1), 12-8-94)

Editor's note--Ord. No. 62653, § 2, adopted April 3, 1986, combined the provisions of former §§ 28-15 and 28-16 to read as herein set out in § 28-15. Section 3 of Ord. No. 62653 amended Ch. 28 by the addition of provisions which have been designated at the discretion of the editor as § 28-16.

Sec. 28-16. Severability.

If, for any reason, any one or more sections, sentences, clauses or parts of this chapter are held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining sections of the chapter or the chapter as a whole, but shall be confined to the specific sections, sentences, clauses or parts of this chapter held legally invalid.

(Ord. No. 62653, § 3, 4-3-86)

Note--See the editor's note to § 28-15.

Sec. 28-17. Temporary permits for the placement of on-premises signs on public right-of-way within Downtown Improvement District.

(a) Upon issuance of a permit obtained from the director of building inspections, business owners or operators are hereby authorized to place one of two (2) specified types of on-premises signage in the public right-of-way on a temporary basis within the Downtown Improvements Special Assessment District, except on the Riverwalk. Said district is set out in Attachment A and incorporated herein for all purposes.

(b) The two (2) specified types of signage shall include only menu boards and sandwich boards. Said signs shall conform to the following specifications:

(1) *Menu boards:*

- a. Shall not exceed eighteen (18) by twenty-four (24) inches or the size of the menu, whichever is smaller.
- b. Shall be wall-mounted or on a pedestal close to the entrance of the business. Portable pedestal signs shall be used during hours of business only.
- c. Only one sign per entrance per business will be allowable.

(2) *Sandwich board:*

- a. Shall be "A" frame and non-illuminated.
- b. Shall not exceed two and one half (2 1/2) feet by four (4) feet.
- c. Shall be used during hours of business only.
- d. Only one per building per entrance per street frontage.

(c) It is the duty of the permit holder to ensure that the placement of signs under this section shall not impair pedestrian safety, flow, and access.

(d) Applicants shall pay a one-time permit fee of five dollars (\$5.00).

(e) Permit holders, by making this special use of a public right-of-way shall assume all risks inherent in this activity and shall indemnify and hold harmless the City of San Antonio from any and all damages, injuries or losses arising from the placement and construction of such signs.

(f) It shall be unlawful for a person to knowingly place, maintain, or cause another person to place or maintain a sign on the public right-of-way without a permit. It shall further be unlawful for a person to knowingly place, maintain, or cause another person to place or maintain a sign on the public right-of-way in violation of subsections (b) and (c) of this section. For purposes of this section, a person knowingly causes another person to place or maintain a sign when he aids, directs, hires or enters into a contract with another person for the aforementioned purpose. Any person placing or maintaining a sign in violation of this section shall, upon conviction, be punished by a fine of not more than two hundred dollars (\$200.00)

(g) All temporary permits shall expire upon completion of all street and sidewalk construction in connection with the Tri-Party Downtown Transportation Improvements Project but in no event shall any such sign remain on and after June 28, 1991. Upon said expiration of temporary permits, all signs placed on the public right-of-way shall be immediately removed.

(Ord. No. 69321, §§ 1--7, 4-20-89; Ord. No. 73404, § 1, 3-28-91)

Editor's note--Ord. No.69321, §§ 1--7, adopted April 20, 1989, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as § 28-17.

Sec. 28-18. Relocation and replacement of existing billboards.

(a) The owner of a premises where an existing billboard has been erected in accordance with prior rules and regulations may erect an on-premises sign in accordance with the existing provisions of this section.

(b) In the event that a permit for such an on-premises sign is applied for or has been granted under this chapter, the owner of the existing billboard shall be entitled to a permit under this section for the one time only relocation of a billboard with the same face area, notwithstanding the provisions of sections 28-93(d), 28-97(e) and (f), and 28-141 of this chapter, on the following conditions and not otherwise, such relocation to be not less than six hundred (600) feet nor more than seven hundred (700) feet from the original lawful location of such billboard, provided that the owner's premises:

- (1) are in use as a tax exempt entity under the provisions of Section 501(c)(3) of the Internal Revenue Code; and
- (2) have a primary facility or structure which is outside of the boundary of the scenic corridor; and

further provided that the new location of the billboard meets the spacing and all set back requirements except that the city may not require a greater front yard set back than the present front yard set back of the billboard to be removed, of this Chapter 28 of the City Code in effect at the time of the move.

(Ord. No. 74979, § 1, 12-19-91)

Editor's note--Section 1 of Ord. No. 74979, adopted Dec. 19, 1991, amended Ch. 28 of this Code but did not specifically designate such provisions; hence, codification of § 1 of said ordinance as § 28-18 herein was at the editor's discretion.

Secs. 28-19--28-30. Reserved.

ARTICLE II. LICENSES

DIVISION 1. GENERALLY

Sec. 28-31. Term of licenses; right to renew.

All licenses issued pursuant to this chapter shall continue in full force from the date of issuance until the end of the city's fiscal year, and may be renewed annually thereafter, without examination, unless the license has been suspended for cause.

(Ord. No. 58486, § 34-14, 3-22-84)

Sec. 28-32. Renewal date.

A person licensed under this article must renew his license within thirty (30) days of the beginning of the city's fiscal year or the license shall be declared in default and the holder shall be subject to reexamination.

(Ord. No. 58486, § 34-14, 3-22-84)

Sec. 28-33. Compliance bond.

Before a person holding a billboard operator's or commercial sign operator's license shall be issued a sign permit, he shall first post a compliance bond in the amount of five thousand dollars (\$5,000.00). The licenses shall provide a compliance bond annually to the city no later than thirty (30) days prior to the expiration of the compliance bond currently in force. The compliance bond shall ensure the full and faithful compliance by the licensee of all the covenants, terms, and conditions of the construction codes of the

city and stands as security for payment by the license holder of all valid claims by the city.

(Ord. No. 58486, § 34-15, 3-22-84; Ord. No. 62653, § 9, 4-3-86)

Sec. 28-34. Bond recovery and disposition.

The director of building inspections shall report each violation of this chapter to the city attorney who shall immediately make demand on the compliance bond holder and his sureties for the amount of liability for each offense. Should the compliance bond holder default, the city attorney shall file suit upon the bond for recovery of any amount due the city. All sums of money collected under the provisions of this section shall be deposited in the general fund of the city.

(Ord. No. 62653, § 10, 4-3-86)

Sec. 28-35. Insurance and indemnification.

(a) All persons holding a billboard or commercial sign operator's license shall agree to indemnify and hold harmless the city, its members, agents, officers and employees, their successors and assigns, individually or collectively, from and against all liability for any fines, claims, suits, demands, action or causes of action of any kind and nature including, but not limited to, personal injury or death, and property damage, in any way arising out of or resulting from any activity or operation of the licensee. This indemnification shall be a prerequisite to the issuance of the billboard operator's or commercial sign operator's license. The license holder shall pay all expenses incurred in defending against any such claims made against the city; however, the license holder shall not be liable for any injury, damage, or loss caused by the sole negligence or willful misconduct of the city, its agents or employees. The licensee and the city shall give prompt and timely notice of any claim made, or suit instituted, which in any way affects or might affect either party.

(b) Subject to the license holder's right to maintain reasonable deductibles in such amounts as are approved by the city, the licensee shall procure and maintain at his own expense, the following types and amounts of insurance.

Type	Amount
(1) Workers compensation and employer's liability	Statutory amount of \$100.000 for each accident

(2) Comprehensive general (public) liability, to include, but not be limited to, the following:	Combined single limit for bodily injury or property damage: \$300,000 or its equivalent
a. Premises/operations	
b. Independent contractors	
c. Personal injury	
d. Products/completed operations	
e. Contractual liability	
f. Explosion, collapse and underground property damage	
(3) Comprehensive automobile liability, to include coverage for:	Combined single limit for bodily injury or property damage: \$300,000 or its equivalent
a. Owned/leased automobiles.	
b. Nonowned automobiles.	
c. Hired cars.	

(c) The licensee further agrees that with respect to the required insurances, the city shall:

- (1) Be named as additional insured/or insured, as its interest may appear.
- (2) Be provided with a waiver of subrogation.
- (3) Be provided with thirty (30) days advance notice, in writing, of cancellation or material change.

- (4) Be provided with certificates of insurance evidencing the required insurances, prior to the commencement of the city's fiscal year. Notices and certificates of insurance shall be provided to the director of building inspections and the city clerk.

(d) Should a person holding a license sever employment connections with a firm which is jointly covered by the same insurance, a new certificate showing proper coverage will be required of both parties.

(e) If the insurance cancels or renews at periods other than the annual license renewal date, new evidence to show that the license holder is maintaining proper coverage shall be furnished to the city.

(Ord. No. 58486, § 34-16, 3-22-84)

Sec. 28-36. Nontransferability.

No license issued pursuant to this article shall be transferable.

(Ord. No. 58486, § 34-18, 3-22-84)

Sec. 28-37. Unlawful use of license.

No person licensed under this article shall allow his name to be used by any other party for the purposes of doing work or obtaining a permit. Violations of this section shall result in revocation of the license, and the holder shall be subject to all other penalties as established in this Code.

(Ord. No. 58486, § 34-18, 3-22-84)

Sec. 28-38. Revocation and suspension.

(a) *Grounds.* The electrical examining and supervising board shall have the authority to suspend or revoke the license of any person who is found guilty of:

- (1) Any fraud or deceit in obtaining a license.
- (2) Securing sign permits in his name and thereafter allowing a person without a proper license to do the work.
- (3) Gross negligence, incompetency, or misconduct in the performance of sign work.
- (4) Intentionally making a false or misleading material statement on an application for a permit or registration form for nonconforming signs.

(b) *Hearing.* In determining the validity of charges brought under this section, the electrical examining and supervising board

shall proceed upon the sworn information furnished by any individual who is of sound mind and legal age. The board, whenever it deems the information sufficient to support further action on its part, shall convene a hearing to further investigate the charges. A copy of the board's order convening the hearing shall be provided the accused, by registered mail, not less than fifteen (15) days prior to the date of the hearing. The accused may appear in person or be represented by counsel, or both, and present his defense to the board. The city attorney shall provide counsel to the board. If the accused fails, or refuses, to appear, the board may proceed to hear and determine the charge in his absence. If the accused pleads guilty, or if the board, by a vote of six (6) or more of its members, finds the charges to be true, the accused's license shall be suspended or revoked by the board. The hearing before the electrical examining and supervising board shall provide the accused license holder due process with which to resolve the issue.

(c) *Record*. When the board has completed its hearing, it shall file a record of its finding and decision with the city clerk and forward a certified copy of the finding and decision to the accused.

(d) *Length of suspension*. If the board determines to suspend a license, it shall make a determination on the length of that suspension. In no case, however, may a suspension period exceed one hundred eighty (180) days, nor be less than thirty (30) days.

(e) *Appeal*. Any appeal from the decision of the board shall be made to city council by petition submitted to the city clerk within seven (7) days of the date of approval of the minutes of the hearing.

(f) *Reapplication*. If a license is revoked, a new licensed may not be applied for for a period of one (1) year.

(g) *Operating while suspended or revoked*. It shall be unlawful for any person whose license has been suspended or revoked by the board to engage in, or do, sign work for which a permit is required under this article.

(Ord. No. 58486, § 34-19, 3-22-84; Ord. No. 62653, § 11, 4-3-86)

Sec. 28-39. Reserved.

Editor's note--The provisions of former § 28-39, relative to license fees and derived from nonamendatory Ord. No. 61329, adopted Aug. 29, 1985, have been deleted as superseded by the license fees enacted by Ord. No. 62653, § 17, adopted April 3, 1986, as set out in § 28-94(b).

Sec. 28-40. Master sign electrician's license.

See the electrical code of the City of San Antonio, Texas.

(Ord. No. 62653, § 8, 4-3-86)

Editor's note--Ord. No. 62653, § 8, adopted April 3, 1986, amended Ch. 28, Art. II by the addition of provisions which have been designated at the discretion of the editor as 28-40.

Secs. 28-41--28-50. Reserved.

DIVISION 2. BILLBOARD OPERATORS

Sec. 28-51. License required.

All persons engaging in the business of erecting, painting, servicing or maintaining billboards or any other off-premises advertising sign shall, for purposes of this chapter, be considered billboard operators and must be licensed to do business by the City of San Antonio. A license holder supplying his license for a firm or corporation doing business under this Code shall not supply his license to a second firm or corporation. Any permit issued to the license holder shall be for work being done by the license holder and his firm or corporation. The licensing requirement shall not be applicable to employees or subcontractors performing work under the supervision of the licensed billboard operator.

(Ord. No. 58486, § 34-12, 3-22-84; Ord. No. 62653, § 6, 4-3-86)

Sec. 28-52. Examination required; application.

Before a billboard operator's license may be issued, each person seeking such a license shall take an examination and file an application for the examination with the electrical examining and supervising board.

(Ord. No. 58486, § 34-12, 3-22-84)

Sec. 28-53. Qualifications.

Prior to taking the examination required by this division, each applicant shall demonstrate to the electrical examining and supervising board an ability to read and write English, and show proof of at least four (4) years practical experience at the trade working under a billboard operator. The applicant shall also submit to the board an affidavit, duly sworn, setting forth his experience. Proof of the applicant's experience shall be included with the affidavit.

(Ord. No. 58486, § 34-12, 3-22-84)

Sec. 28-54. Examination fee.

(a) An examination fee shall accompany the application for the examination required by this division. A schedule of the fees shall be posted in the offices of the department of building inspections. An additional fee shall be charged any time a reexamination is necessary.

(b) The fees for examination and reexamination for commercial sign operator's and billboard operator's licenses shall be as follows:

License	Examination Fee	Reexamination Fee
Commercial sign operator	\$ 75.00	\$ 37.50
Billboard operator	75.00	37.50

(Ord. No. 58486, § 34-12, 3-22-84; Ord. No. 59312, 9-4-84; Ord. No. 61329, 8-29-85)

Sec. 28-55. Test score; issuance of license.

If the applicant for a license required by this division scores seventy-five (75) percent or better on the billboard operator's examination he shall be awarded a certificate by the electrical examining and supervising board. After he has paid an annual license fee, the board may issue the applicant a billboard operator's license.

(Ord. No. 58486, § 34-12, 3-22-84)

Sec. 28-56. Vehicle identification.

Any contractor engaged in erecting, installing, servicing, or maintaining a billboard shall ensure that all vehicles required to be on the job site are identified with the contractor/company name and license number. Lettering on the vehicle shall be at least two (2) inches high, and shall be in full view and legible at all times.

(Ord. No. 58486, § 34-54, 3-22-84)

Secs. 28-57--28-70. Reserved.

DIVISION 3. COMMERCIAL SIGN OPERATORS

Sec. 28-71. License required.

Any person engaged in the business of erecting, painting, maintaining or servicing commercial signs must be licensed as a commercial sign operator by the electrical examining and supervising board.

(Ord. No. 58486, § 34-13, 3-22-84)

Sec. 28-72. Examination required; application.

Before a commercial sign operator's license may be issued, the person seeking such license must take an examination and file an application for the examination with the electrical examining and supervising board.

(Ord. No. 58486, § 34-13, 3-22-84)

Sec. 28-73. Qualifications.

No applicant for a license required by this division will be allowed to take the examination unless he has demonstrated to the electrical examining and supervising board the ability to read and write in English, and can show proof of not less than two (2) years experience in commercial sign installation working under a licensed commercial sign operator, or a licensed commercial sign operator from another city provided that licensing qualifications and examinations are similar in design and quality to that of the City of San Antonio as determined by the board, or can show proof of at least four (4) years experience in commercial sign installation, provided that verification of experience shall be provided to the board in the manner established by written board policy. The applicant shall submit to the board an affidavit, duly sworn, setting forth his experience. Proof of the applicant's experience shall be included with the affidavit.

(Ord. No. 58486, § 34-13, 3-22-84; Ord. No. 63952, 11-6-86)

Sec. 28-74. Examination fee.

An examination fee shall accompany the application for an examination required by this division. The fee for the commercial sign operator's license shall be as established by city council for the initial examination. Reexaminations, if necessary, will also require a separate fee each time the test is administered.

Sec. 28-75. Test score; issuance of license.

If the applicant scores seventy-five (75) percent or better on the billboard operator's examination and pays the annual license fee, he shall be issued a billboard operator's license.

(Ord. No. 58486, § 34-13, 3-22-84; Ord. No. 62653, § 7, 4-3-86)

Secs. 28-76--28-90. Reserved.

ARTICLE III. PERMITS

Sec. 28-91. Sign permits required.

Unless specifically exempted, it shall be unlawful for any person to erect or demolish, or cause to be erected or demolished,

any billboard, or erect or alter, or cause to be erected or altered, any commercial sign without obtaining the proper permit from the director of building inspections.

(Ord. No. 58486, § 34-20, 3-22-84; Ord. No. 62653, § 12, 4-3-86)

Sec. 28-92. Exceptions.

Exceptions to the permit requirements of this article are:

- (1) Signs identifying home occupations permitted by the Zoning Ordinance of the City of San Antonio not exceeding one (1) square foot of facing, attached to a residence or apartment building, stating only the name and occupation, if applicable, of the occupant.
- (2) Commercial signs not exceeding fifteen (15) square feet of facing, composed of durable material, situated wholly upon private property and securely affixed to a building, fence or wall and having a frame or trim not more than three (3) inches wide. This exemption shall not apply to any signs erected in the Riverwalk Area as defined in Article VI of this chapter and any signs identifying home occupations as defined in the Zoning Ordinance of the City of San Antonio.
- (3) Real estate signs, not exceeding thirty-two (32) square feet used solely to advertise the sale of the premises upon which the sign is located.
- (4) Signs or markers used by a public utility holding a franchise from the city to designate bus stops or cab stands.
- (5) Governmental signs.
- (6) Temporary signs as defined and regulated in this chapter not exceeding forty-eight (48) square feet, excluding cloth banner signs extending over the public right-of-way.
- (7) Signs which display noncommercial or political speech, other than temporary signs, not exceeding fifteen (15) square feet of facing composed of durable material, situated wholly upon private property and securely affixed to a building, fence or wall and having a frame or trim not more than three (3) inches wide; provided further, that all other noncommercial or political signs, other than temporary signs, shall comply with sections 28-113, "Attachment and Windloads," 28-114, "Materials Supports," and 28-115, "Electric Wiring."

(Ord. No. 58486, § 34-20, 3-22-84; Ord. No. 62653, § 13, 4-3-86)

Sec. 28-93. Application for a permit.

(a) Application for a permit required by this article shall be made upon forms provided by the director of building inspections.

(b) The application for commercial and billboard sign permits shall contain all information, drawings and specifications necessary to fully advise the director of the type, size, shape, location, zone, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed.

(c) When applying for a billboard permit, the billboard operator shall, in addition to the above, furnish the following information at the time of permit application.

- (1) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property.
- (2) The building setback lines and the location of any easements on the property.
- (3) The distance to the nearest billboard.
- (4) An affidavit from the property owner authorizing erection of the sign, or an executed lease agreement.
- (5) The street address of the sign.
- (6) An engineer's certification.

(d) An application for a relocation permit must be filed with the department of building inspections at least five (5) days before a regularly scheduled meeting of the electrical examining and supervising board. The application must identify two (2) demolition permit numbers for billboards removed after the effective date of this provision. Two (2) existing billboards must be removed for each relocation permit, and such permit shall be issued only after removal of two (2) billboards. The application for a relocation permit shall be immediately referred to the electrical examining and supervising board to review for compliance with provisions of this chapter. The board shall advise the director at the next regularly scheduled meeting whether the application for a relocation permit should be approved or denied.

If the board fails to issue a recommendation in accordance with this subsection, the director shall either approve or deny the application for a relocation permit within ten (10) days after the date of said board meeting.

If the board's recommendation is to deny the application, then the board shall cause written notice to be sent by certified mail advising the applicant of such fact. The notice shall specify the reason(s) why denial is recommended. The applicant shall upon request

be given an opportunity to be heard before the board at the following regularly scheduled meeting at which time the board shall affirm, reverse or modify its recommendation.

The director shall, within ten (10) days after the board's recommendation, either approve or deny the application for a relocation permit. The decision of the director shall be sent by certified mail to the applicant.

An applicant who is denied a relocation permit by the director may appeal to the city council by filing written notice of appeal with the city clerk within seven (7) days after notice of denial is received. The site in question shall be preserved pending final disposition of said relocation permit.

(Ord. No. 58486, § 34-21, 3-22-84; Ord. No. 62653, § 14, 4-3-86; Ord. No. 62853, § 1, 5-8-86)

Sec. 28-94. Fee schedule.

(a) No permit shall be issued unless the applicant has paid the director of building inspections a sign inspection fee of twenty dollars (\$20.00) as well as other applicable fees.

(b) A fee schedule detailing the fees charged for all examinations, reexaminations and various sign permits will be passed by council under separate ordinance(s). A copy of the ordinance(s) will be posted in the offices of the department of building inspections and in the office of the city clerk. In addition, the following fee schedule is applicable:

Billboard operator's license \$375.00

Renewal of billboard operator's license 375.00

Commercial sign operator's license 100.00

Renewal of commercial sign operator's license 100.00

The fee for a duplicate of any license issued under this chapter for one which has been lost, destroyed or mutilated shall be five dollars (\$5.00).

(1) *Billboard annual inspection fee*

a. Less than 72 square feet \$ 25.00

b. From 73 to 300 square feet 45.00

c. From 301 to 672 square feet 60.00

(2) *Portable sign annual inspection fee, per year \$30.00*

(3) *Commercial sign permit fee:*

- a. Less than 32 square feet of sign area \$10.80
 - b. Over 32 square feet 10.80
 - Plus \$0.22 per square foot over 32 square feet.
 - c. Sign height fee for signs, per foot of height
2.00
 - d. Cloth banners 5.40
- (4) *Electrical sign inspection fee:* In addition to the commercial fees required by this section, the following are also required for electrical signs.
- a. Gas or vacuum tube \$10.80
 - b. Incandescent sign 5.40
 - c. Plus number of sockets, each 0.22
- (5) *Billboard removal permit* \$100.00
- (6) *Banner/inflatable permits.*
- Sign inspection fee 20.00
- Banners
- Cloth, other 5.40
- Street lightpole across street 5.40
- Flag lines 1.60
- (7) *Preliminary site inspections, each* \$50.00
- (8) *On-premise sign permits.*
- Sign inspection fee 20.00
- Less than 32 sq. ft. 10.80
- Over 32 sq. ft. 10.80 + .22/sq. ft. over 32 sq. ft.
- Gas tube/electric 10.80
- Incandescent signs 5.40 + .22/socket
- Sign height, per foot 2.00
- (9) *Off-premise/billboard permits.*

Sign inspection fee 20.00

Less than 75 sq. ft. 16.20

Over 75 sq. ft. 16.20 + .22/sq. ft.

(10) *Historic designated properties.*

Under 15 square feet sign permits, per sign 75.00

Permit application 25.00

Historic and design review commission sign approval
application fee 50.00

Paint permit fee, per permit application 10.00

(Ord. No. 58486, § 34-27, 3-22-84; Ord. No. 59311, § 5, 9-4-84; Ord. No. 61329, 8-29-85; Ord. No. 62653, § 17, 4-3-86; Ord. No. 63228, §§ 1--3, 7-16-86; Ord. No. 63814, 10-16-86; Ord. No. 70249, §§ 1, 2, 9-14-89; Ord. No. 76463, §§ 4--6, 9-10-92; Ord. No. 80782, §§ 5--7, 9-14-94; Ord. No. 80865, § 1, 9-29-94; Ord. No. 84792, § 1, 9-19-96; Ord. No. 86605, § 3, 9-11-97)

Sec. 28-95. License required for permit.

(a) Only those individuals who are properly licensed by the director of building inspections shall receive a permit to erect or after any commercial sign or billboard.

(b) Permits for the installation, erection, or alteration of any electric sign shall be issued only to those individuals who hold a master sign electrician's license or master electrician's license and who have filed the bond and insurance required by this chapter.

(Ord. No. 58486, §§ 34-22, 34-23, 3-22-84)

Sec. 28-96. Obtaining permit for another.

It shall be unlawful for any person licensed under the provisions of this chapter to obtain a permit on behalf of, or for the benefit of, any unlicensed person whose business activities are such that such unlicensed person would need a license to obtain a permit.

(Ord. No. 58486, § 34-22, 3-22-84)

Sec. 28-97. Conditions for issuing permits.

(a) No permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building, shall be issued to any person except upon the condition that the permit may be withdrawn at any time, in which case the sign shall be immediately removed by the owner thereof.

(b) When a billboard permit is issued, the applicant shall be made aware of the stipulation that if, within one hundred and eighty (180) days of the date the permit is issued, a final inspection of the billboard has not been requested, the permit shall become void. However, one (1) ninety (90) day extension period may be granted if the billboard operator so desires. The request for the extension shall be made before the one hundred eighty (180) day period lapses. If an inspection has not been requested by the end of that extension the permit becomes invalid. Should the operator still desire to place a billboard at the site in question, he shall apply for a new permit and pay all required fees.

(c) If a license holder supplying his license for a business doing business under this chapter severs his connections with that business and desires to use his license in connection with another business, the latter business must furnish the city with a performance bond and comply with the requirements of section 28-35.

(d) Should a license holder sever his connections with a business, the business will be allowed to complete all work for which permits were issued prior to the severance of the license holder, provided an interim bond and insurance are posted with the city. Additionally, sufficient evidence shall be submitted to and approved by the board establishing the ability of the business to complete the work in the manner prescribed by this chapter.

(e) The number of relocation permits issued to a licensed billboard operator shall be limited during a given calendar month to an amount not to exceed one thousand three hundred forty-four (1,344) square feet of advertising display area per billboard company. The square footage allowance of advertising display area must be utilized within a given calendar month and shall not be cumulative on a month-to-month basis. A billboard erected pursuant to a relocation permit shall conform to all provisions of this chapter. In addition to the above limitations, relocation permits shall be issued on a one-for-two basis, i.e., one relocation permit will be issued for every two (2) billboards removed; provided, however, that relocation permits shall not be cumulative in the event more than two thousand six hundred eighty-eight (2,688) square feet of advertising display area is removed during any given calendar month. In addition to the restrictions set forth in section 28-142, the maximum size sign face area of a relocated billboard as viewed from one direction, shall be the average square footage of sign face area of two (2) prior removed billboards, excluding embellishments, as viewed from one direction (i.e., adding the sign face areas of two (2) billboards to be removed as viewed from one direction and dividing by two (2)).

(f) A billboard operator may receive upon application a relocation coupon which shall be effective for ninety (90) days after the date of issuance within which time an application for a relocation permit must be filed in accordance with section 28-93(d); provided, however, if the application for a relocation permit is filed within five (5) days before a regularly scheduled meeting of the board, the ninety-day period shall cease to run until such day

the board considers the application for a relocation permit in accordance with section 28-93(d). Once an application for a relocation permit is filed, such application shall not be amended except for adjustment of the location of the billboard on the same property.

For purposes of determining the monthly allocation of square footage of advertising display area, an application for a relocation permit shall be charged to the month within which the application is filed.

An application for a relocation coupon shall be filed with the department of building inspections within five (5) days after the second billboard is removed. The application shall identify two (2) demolition permit numbers and the date the second billboard was removed. The application for a relocation coupon shall not be referred to the board for approval.

(g) Billboard permits are not transferable. A permit must be utilized by the operator to whom it is issued. Any operator who intentionally gives, lends, sells, or otherwise conveys a permit to another operator shall have his license revoked and shall be subject to all penalties as established in the City Code.

(h) A billboard operator who is granted a relocation permit must have the billboard under construction within three (3) calendar days of the permit issuance date or identify the site with a sign bearing the company and operator's name, operator's license number, and the permit number. The sign shall measure no more than four (4) feet high by three (3) feet in length and shall be affixed to an upright of ten (10) feet overall, set in a minimum of three (3) feet below ground level, and a minimum of six (6) feet above ground level, facing the flow of traffic and clearly visible from the street. For purposes of this subsection a billboard shall be considered to be under construction when the sign pole is set in concrete in the ground in an upright position.

(Ord. No. 58486, § 34-24, 3-22-84; Ord. No. 62653, § 15, 4-3-86; Ord. No. 62853, §§ 2, 3, 5-8-86; Ord. No. 65537, 8-20-87)

Sec. 28-98. Permits issued in violation of this chapter.

Any permit which is issued in violation of any provision of this chapter or issued upon erroneous information provided by the applicant shall be absolutely void and no rights whatever shall be accrued.

(Ord. No. 58486, § 34-25, 3-22-84; Ord. No. 62653, § 16, 4-3-86)

Sec. 28-99. Serial numbers and sign information.

(a) Each permit issued pursuant to this article shall bear a date and serial number.

(b) Each sign requiring a permit shall have the name of the license holder clearly displayed on the sign trim.

(c) All billboards erected within the city shall have the permit number affixed to the structure below the sign face. The number must be visible for a distance of fifty (50) feet from the pole supporting the billboard.

(d) If a licensed billboard operator operates a billboard for a client who does not have a license, the license number and name of the license holder shall be clearly displayed on the structure alongside the billboard permit number. If the owner of the structure changes operators, the name and license number of the new operator shall replace the old operator's number on the billboard structure.

(Ord. No. 58486, § 34-26, 3-22-84)

Secs. 28-100--28-109. Reserved.

ARTICLE IV. ERECTION AND MAINTENANCE REGULATIONS

DIVISION 1. GENERALLY

Sec. 28-110. Maintenance.

(a) All signs and components thereof shall be maintained in good repair and with the proper structural supports as determined by the director of building inspections. All signs and their immediate surrounding area shall be kept free of weeds, trash and other refuse. The display surfaces of all signs shall be kept neatly painted or posted.

(b) The director of building inspections or his representative may remove any sign along with its structural supports that violates the standard provided herein, if the owner of the sign or of the premises where such sign is located, fails to correct such violation within sixty (60) days after notification to make such correction.

(c) The provisions of sections 28-15(g) and 28-15(h) of this chapter which are not inconsistent with this section are incorporated herein by reference and shall be adhered to in the enforcement of this section.

(Ord. No. 77929, § 3, 5-13-93)

Sec. 28-111. Preventing obstructions.

All signs governed by this chapter shall be situated in a manner which does not interfere with or obstruct windows, doors, or other means of exit from a building. No sign shall be supported on or attached to any fire escape, door, or window casing.

On any corner lot on which a front yard is required by the Zoning Ordinance of the City of San Antonio, no structure, including signs and billboards, shall be maintained within the triangular area

formed by the intersecting street lines and a straight line connecting such street lines, at points twenty-five (25) feet from the point of intersection measured along such street lines.

PUBLIC RIGHT-OF-WAY

n

(Ord. No. 58486, § 34-28, 3-22-84; Ord. No. 62653, § 18, 4-3-86)

Sec. 28-112. Creating hazards.

No signs shall be erected on or over public property in a manner which interferes with any fire hydrant, traffic light, fire alarm box or street light. Similarly, billboards and commercial signs shall not be erected in any location where, by reason of traffic conditions, fire, or explosion hazards, the sign would imperil public safety or hamper the functions of the fire department.

(Ord. No. 58486, § 34-29, 3-22-84)

Sec. 28-113. Attachment and wind loads.

All signs shall be securely fastened or anchored to a building wall, structural framing, or other foundation, with a sufficient number of bolts or anchors to resist the stress resulting from the dead weight of the sign and wind loads. Both commercial signs and billboards shall be constructed so as to resist a minimum horizontal wind load of thirty (30) pounds per square foot of surface area. The use of staples, wires, and wood plugs in erecting signs is prohibited.

(Ord. No. 58486, § 34-30, 3-22-84)

Sec. 28-114. Materials; supports.

All signs governed by this chapter, excluding electric signs, shall be constructed of durable materials and securely attached to framework and supports made of wood, metal, or other similar material of equivalent strength. Commercial signs may be made of pressed wood. All electric signs shall have metal supports and frames.

(Ord. No. 58486, § 34-31, 3-22-84)

Sec. 28-115. Electric wiring.

Electrically illuminated signs, or signs which are equipped in any way with electrical devices or appliances, shall conform to the provisions of Chapter 10 of this Code. The electrical inspector shall have the right to check all wiring for compliance with this Code. The outer edge of the sign shall remain at least two (2) feet inside the curb line, and shall not begin beyond a distance of three (3) feet

from the property line. A minimum space of eight and one-half (8 1/2) feet shall exist between the lowest portion of any sign overhanging a public sidewalk and the sidewalk grade.

(Ord. No. 58486, § 34-31, 3-22-84)

Sec. 28-116. Overhanging signs.

(a) *Generally.* All permanent signs shall be erected so as not to overhang any street, alley, or plaza. Signs may be hung over a sidewalk and/or over that space between the curb and sidewalk provided the space is not used for, or designed to be used for, vehicular ingress and egress to a building.

(b) *Commentary.* Overhanging signs shall not be placed over streets or alleys where they might interfere with vehicle traffic; nor may they be hung over entrances where they may be damaged by vehicles thus causing a hazard to public safety.

(Ord. No. 58486, § 34-33, 3-22-84)

Sec. 28-117. Temporary signs.

(a) Temporary signs may be constructed of cloth or wallboard, may be framed, and shall, with the exception of banner signs, be staked to the ground or securely affixed to a structure. Unframed cloth banner signs may project over a public street subject to approval by the director of building inspections. The sign erector shall certify that the sign will not interfere with the public safety. All other temporary signs must be located at least two (2) feet inside private property lines.

(b) Cloth banner signs projecting over and across street rights of way must meet the following criteria:

- (1) The sign must advertise or promote a noncommercial, not for private profit event, a community charitable drive or a community announcement.
- (2) No part of the banner sign shall be closer to the street grade than fourteen and one-half (14 1/2) feet.
- (3) Standard sign hooks, lag screws or expansion bolts and shields shall be used where required to support the sign.

(Ord. No. 58486, § 34-34, 3-22-84)

Sec. 28-118. Wall signs.

(a) The frames and panels of all signs which are to be attached to the wall of a building shall be constructed of wood, metal, or other durable materials approved by the director of building inspections. Standard sign hooks, expansion bolts, or through bolts with washers on the inside of the wall shall be used depending upon

the weight and area of the sign, and the condition of the wall to which it is to be attached. Before the sign can be installed, the commercial sign operator or building owner must ensure that the wall, when the sign is affixed to it, will be able to withstand a wind pressure load of at least thirty (30) pounds per square foot.

(b) Nonelectric wall signs may not project more than twelve (12) inches from the face of the building. Electric wall signs may extend no more than eighteen (18) inches from the building face.

(c) It shall be unlawful to attach, draw or paint off-premises advertising to the wall of a building.

(Ord. No. 58486, § 34-35, 3-22-84; Ord. No. 62653, § 19, 4-3-86)

Sec. 28-119. Projecting signs.

Projecting signs may not extend more than nine (9) feet from the property line. Additionally, the outer edge of the sign shall remain at least two (2) feet inside the curblane, and shall not begin beyond a distance of three (3) feet from the property line. A clear space of not less than eight and one-half (8 1/2) feet shall be provided between the bottom of the sign and the sidewalk grade or ground level.

(Ord. No. 58486, § 34-36, 3-22-84)

Sec. 28-120. Projecting signs installed on a pipe.

In instances where a building is set back from the property line, a projecting sign may be installed on a pipe overhanging the sidewalk provided that:

- (1) The pipe is set inside the property line unless the line is more than twenty-five (25) feet away from the street curb. In the latter instance, the pipe shall be set at the property side of the sidewalk, or if there is no sidewalk, no closer than ten (10) feet to the curb. If the pipe is set in an area that can be traversed by vehicles, it shall be surrounded by curbing as specified by the director of public works.
- (2) Projecting signs must comply with the regulation clearances over sidewalks and distances from curb lines.
- (3) No wooden poles or timbers shall be used. Only sound straight, steel, galvanized, or iron pipes in good condition, free from all major flaws and defects, and painted with weatherproof paint, are authorized.
- (4) All pipes must be set at least three (3) feet in the ground and embedded in concrete; however, this subsection shall not apply to any existing sign hung under the auspices of a special permit which is still valid issued

by the director of housing and inspections before April 11, 1940.

- (5) The cross arms of angle iron for side guys are to be bolted or welded to the pipes in a secure manner, and side guys are to be of galvanized cable.
- (6) The pipe must extend far enough above the top of the sign to provide space for a suitable headlift which must be of galvanized cable.
- (7) All pipes must be of sufficient diameter and strength to properly support the weight of the signs which are to be installed on them. The minimum size of the pipe in relation to the weight shall be as follows:

Weight in pounds	Size in inches
Up to 175	3
From 175 to 250	4
From 250 to 325	5
From 325 to 400	6

- (8) All pipes used for signs weighing in excess of one hundred (100) pounds must be of the well casing type or the equivalent. Lighter weight pipe may be used for signs weighing one hundred (100) pounds or less and situated entirely within the property lines. In no case may a sign be supported by a pipe less than three (3) inches in diameter.

(Ord. No. 58486, § 34-37, 3-22-84)

Sec. 28-121. Pole signs.

No pole, post or standard used to support any sign or floodlight shall be set in or upon any sidewalk, street or other public property. The construction and design of all pole signs shall conform to the requirements of section 28-120.

(Ord. No. 58486, § 34-38, 3-22-84; Ord. No. 62652, § 3, 4-3-86; Ord. No. 62653, § 20, 4-3-87)

Sec. 28-122. Roof signs.

(a) Roof signs may be used for on-premises advertising only.

(b) Roof signs, except electrical signs, shall not exceed thirty-two (32) feet in total height above that portion of the roof of the building, or structure, over which they are erected. All such signs shall be constructed of durable material and shall be set back a minimum of seven (7) feet from the inside line of the exterior wall of the building, the distance being measured at right angles to the line of the wall. An open space of not less than six (6) feet shall be maintained below the bottom of the sign and the roof, except for necessary vertical supports. Adequate provision shall also be made for grounding metallic parts of all roof signs as a protection against lightning. No roof signs shall be erected so as to extend over a sidewalk, street, or other public property.

(c) Roof signs shall not be used as a medium for off-premises advertising. All existing billboards classified as roof signs shall be awarded nonconforming status by the director of building inspections if the billboard operator registers the sign within one hundred eighty (180) days of the effective date of passage of this section. The nonconforming status will remain valid as long as the sign is used solely for off-premises advertising. If the sign message changes to a commercial, i.e., on-premises category, the nonconforming status shall be immediately revoked.
(Ord. No. 58486, § 34-39, 3-22-84)

Sec. 28-123. Marquee signs.

Marquee signs not more than four (4) feet tall, excluding any top ornament supported directly by the marquee or awning, may extend around three (3) sides of a marquee or awning. An overhanging sign may be suspended under a marquee, provided that the lowest part of the sign is eight and one-half (8 1/2) feet above the sidewalk and at right angles to the building line.

Sec. 28-124. Electric signs.

All electric signs must comply with the applicable provisions of this chapter and with chapter 10 of this Code.

(Ord. No. 58486, § 34-41, 3-22-84)

Secs. 28-125--28-135. Reserved.

DIVISION 2. BILLBOARDS

Sec. 28-136. Prohibition of new billboards.

No new construction permits shall be issued for billboards except for relocation of existing billboards to new sites which meet the provisions of this chapter, including the following spacing requirements within the corporate limits of the city:

- (a) On interstates, freeways or expressway systems, billboards up to six hundred seventy-two (672) square feet shall not be closer than one thousand five hundred (1,500) feet along one side of the roadway.
- (b) On primary and secondary arterial streets, billboards up to three hundred ninety-nine (399) square feet shall not be closer to any other billboard than seven hundred fifty (750) feet along one side of the roadway; on secondary arterial streets, billboards ninety-nine (99) square feet and less shall not be erected closer than five hundred (500) feet along one side of the roadway.
- (c) On collector and local access streets, billboards ninety-nine (99) square feet and less shall not be erected closer than five hundred (500) feet along one side of the roadway.

(Ord. No. 58486, § 34-43, 3-22-84; Ord. No. 62653, § 22, 4-3-86)

Sec. 28-137. Height limitations.

All billboards erected after the effective date of this provision shall not exceed forty-two and one-half (42 1/2) feet in height above the adjacent street grade, not to exceed a maximum of sixty (60) feet above ground level.

(Ord. No. 58486, § 34-44, 3-22-84; Ord. No. 62653, § 23, 4-3-86)

Sec. 28-138. Setback requirements.

(a) *Generally.* A billboard may be installed on a side or rear property line provided the lot is zoned to permit zero setbacks, and the adjoining zoning classifications are not residential. No part of the sign, its support structure, light fixtures, or catwalks may overhang the property line. A billboard erected adjacent to residentially zoned property shall observe the side and rear yard setbacks required by the zoning ordinance. In such instances light fixtures and catwalks may overhang the setback lines no more than six (6) feet. However, no part of the sign face or its support structure shall overhang the setback lines. All billboards in excess of seventy-five (75) square feet are to be setback from the following facilities, districts, and parks as specified below:

- (1) *Large urban parks.* A one thousand (1,000) foot radius from the park boundaries, except in the case of Brackenridge Park, in which case the requirements of section 28-140 shall apply.

- (2) *Publicly owned and operated sports complexes.* A five hundred (500) foot radius from the complex boundaries.
- (3) *Community Parks.* A three hundred (300) foot radius from the park boundaries.
- (4) *Neighborhood parks.* A two hundred (200) foot radius from the park boundaries.
- (5) *Cultural facilities.* A five hundred (500) foot radius from the facility boundary.
- (6) *Historic buildings and structures.* A two hundred (200) foot radius from the building or structure.
- (7) *Historic districts.* A five hundred (500) foot radius from the district boundary.
- (8) *Universities and colleges.* Billboards in excess of seventy-five (75) square feet shall not be permitted on the opposite side of a public street bordering a university or college.

(b) *Small billboards.* Billboards in excess of seventy-five (75) square feet shall adhere to all property setback lines established in chapter 35 for the applicable zoning category. Additionally, these billboards shall be set back a minimum of thirty (30) feet from adjacent residential zones. Billboards which measure seventy-five (75) square feet or less of sign face shall adhere to property lines, but are not required to conform to the other setback limits established in this chapter.

(c) *Distance from overpass, etc., railings.* All billboards shall be set back a distance of at least fifteen (15) feet from the railing of an overpass or bridge on any road, street, highway, or expressway.

(d) *Commentary.* All park definitions are taken from the San Antonio Parks Plan, 1981 edition. A publicly owned sports complex is meant to be a facility such as the Alvo Jo Fischer or Kennedy Softball Complexes. The radius setback requirements do not apply to private parks, country clubs, etc., which are not open to the general public. Any legally erected billboard which no longer conforms to the provisions of this chapter due to the creation of a new park, historic district, etc., shall be officially recognized as nonconforming by the director according to the requirements established in section 28-139. Billboards are no longer permitted within historic districts. Existing billboards in historic districts shall be awarded nonconforming status in accordance with the provisions of section 28-139.

(Ord. No. 58486, § 34-45, 3-22-84; Ord. No. 62653, § 24, 4-3-86)

Sec. 28-139. Nonconforming rights.

(a) *Generally.* Any legally erected billboard which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status by the director of building inspections if the operator registers the billboard with the director within one hundred eighty (180) days of the effective date of passage of the revisions. After that time, the director may order any unregistered nonconforming billboard removed at the operator's expense.

(b) *Damaged structures.* Any non-conforming billboard structure which is damaged beyond fifty (50) percent of its replacement value shall be removed at the operator's expense.

(c) [*Removal and replacement of nonconforming billboards.*] As indicated in subsection (a), nonconforming rights shall be awarded to those billboards which, while once legally erected, no longer conform to the provisions of this chapter. Such rights shall further be allowed to run with the site for a period of sixty (60) days following the removal of the nonconforming billboard, provided such land owner within twenty-four (24) hours after removal of the nonconforming billboard files with the department of building inspections a written notice of intent to replace said nonconforming billboard with a billboard which is relocated from another site. During that sixty-day period, a billboard may be erected at the identical location of the nonconforming billboard, provided that the new sign shall be erected to conform to all relocation, construction, height and spacing requirements of this chapter. The new sign shall have the same size sign face as the previous billboard but shall not exceed the limits of section 28-142. If the existing sign exceeds the standards set out in this chapter, the new sign must conform to the provisions of section 28-142. Provided further, that during the same sixty-day period, no billboard may be erected within the applicable spacing regulations except at the identical location of the removed nonconforming billboard.

(Ord. No. 58486, § 34-46, 3-22-84; Ord. No. 62653, § 25, 4-3-86)

Sec. 28-140. Reserved.

Editor's note--Ord. No. 79042, § 3, adopted Oct. 28, 1993, repealed former § 28-140, relative to special setback and height requirements for Brackenridge Park, which derived from Ord. No. 58486, § 34-47, adopted March 22, 1984.

Sec. 28-141. Scenic corridors; historic districts.

(a) *Scenic corridors.* The following streets are designated as scenic corridors:

- (1) McAllister Freeway/IH-37 between its intersections with Sunset Road and IH-10/US Highway 90.

- (2) Charles Anderson Loop/FM 1604 as defined in the city's major thoroughfare plan as well as any future extensions of FM 1604.
- (3) State Highway 151 and any extension of same.
- (4) Wurzbach Parkway between its intersections with IH-35 and Lockhill-Selma Road.
- (5) IH-10 between its intersections with Hildebrand Avenue and IH-37.
- (6) IH-35 between its intersections with IH-37 and IH-10.
- (7) Any expressway or freeway constructed after April 13, 1986.

Accordingly, no billboards shall be erected along that portion of said freeways or expressways. For purposes of this chapter, a billboard shall be considered to be "along" said freeways if it is erected within six hundred and sixty (660) feet of the public right-of-way.

(b) *Historic districts.* It shall be unlawful to erect a billboard in an historic district.

(c) *Commentary.* The McAllister Freeway between Sunset Road and Josephine Street provides San Antonians with a particularly unique view of their city. Because most of the land abutting the freeway is publicly owned, billboards have not become commonplace along it. Prohibiting billboards along the McAllister Freeway is intended to enhance an especially striking view of the downtown, Trinity University, the large trees in Olmos and Brackenridge Parks, and the Incarnate Word Property. Designating Loop 1604, State Highway 151 and all future freeways as scenic corridors will serve to preserve natural surroundings, thereby enhancing the aesthetic environment, reducing visual blight and distraction and further promoting traffic safety.

(Ord. No. 58486, § 34-48, 3-22-84; Ord. No. 62653, §§ 24, 26, 4-3-86; Ord. No. 62654, § 4, 4-3-86; Ord. No. 78122, § 1, 6-10-93)

Sec. 28-142. Maximum size of sign face.

(a) The maximum size of the sign face, as viewed from one (1) direction, for any billboard shall be:

- (1) Six hundred seventy-two (672) square feet along freeways, expressways and interstate highways.
- (2) Three hundred ninety-nine (399) square feet along arterials.

- (3) Ninety-nine (99) square feet along collectors and local access streets.

(b) The square footage requirements specified in paragraph (a)(1) through (3) pertain to the sign face per se. Embellishments and cutouts, may be utilized on billboards as long as these extensions do not measure more than twenty (20) percent of the allowable square footage for the sign face.

(Ord. No. 58486, § 34-50, 3-22-84; Ord. No. 62653, § 27, 4-3-87)

Sec. 28-143. Animation.

No billboard shall be erected or altered to include such animation as: Parts which move, flashing/blinking lights, or smoke issuing from the sign which may be distracting to motorists. This prohibition does not include time and temperature and message signs.

(Ord. No. 58486, § 34-50, 3-22-84; Ord. No. 62653, § 28, 4-3-86)

Sec. 28-144. Engineer certifications.

(a) *Generally.* A drawing, certified by a structural engineer registered in the state, shall be required for each type of billboard which exceeds three hundred (300) square feet of sign face and is over fifty (50) feet high. The drawing shall attest that the particular kind of sign will withstand a wind load of thirty (30) pounds per square foot and shall state the depth to which the support structure must be set for the specific type of soil conditions. These drawings shall be kept on file for each operator in the building inspections department.

(b) If an operator requests a permit for a billboard measuring less than three hundred (300) square feet of sign face and which is under fifty (50) feet high, he may utilize an engineer certified chart in lieu of the drawing referenced in subsection (a). This chart shall specify the pipe diameter needed for various sizes of signs and the foundation requirements for the signs according to general soil conditions. The chart must be certified by a structural engineer registered in the state. A copy of the chart shall be submitted to the department of building inspections with each permit application. At the time an application for a permit is made, the operator shall note on the application what specific type of soil is prevalent at the site.

(c) *Commentary.* Smaller-sized billboards are often designed to address the needs of a specific client. Accordingly, requiring an engineer certified drawing for such signs would significantly increase the billboard operator's business costs. Accordingly, a reproducible chart may be substituted for the certified drawings in these instances. The chart represents a one-time, rather than recurring cost, and will adequately ensure the public interest for the smaller-sized billboards.

(Ord. No. 58486, § 34-51, 3-22-84)

Sec. 28-145. Billboards on public property.

No billboard, or any part thereof, shall be located on or above any public property or street right-of-way.

(Ord. No. 58486, § 34-52, 3-22-84)

Sec. 28-146. Construction requirements.

(a) Every billboard shall be firmly and solidly constructed so as to withstand a windload of at least thirty (30) pounds per square foot of area.

(b) An open space of at least seven (7) feet shall be provided between the bottom of the billboard and the ground. If necessary, support bracing for the sign may extend through the open space.

(c) All billboards exceeding twenty-five (25) feet in height shall be of fireproof construction.

(d) Base aprons measuring not less than twenty-four (24) inches high shall be attached to the bottom of all billboards with sign faces measuring ten (10) feet or more in height and forty (40) feet or more in width.

(e) All service platforms shall have a jack or support at each structural upright and shall have a minimum width of twenty (20) inches of walking surface. Service platforms shall be mandatory on all billboards measuring more than twelve (12) feet between ground level and the bottom of the sign face.

(f) All exposed wood or metal surfaces, including treated but unpainted stringers, platforms, jacks or other supports, excepting galvanized metal, shall be painted, both front and back, upon installation of the billboard.

(g) Billboards shall be designed and emplaced not to create a traffic hazard near street intersections or railroad crossings. Billboards shall not be positioned in a way which obscures, or physically interferes with, a traffic sign, signal device or a driver's view of approaching, merging, or intersecting traffic.

(h) Billboards shall not be illuminated in a manner which interferes with the effectiveness of or obscures an official traffic sign, signal, or device; nor may the light emitted from any billboard cause glare to, or impede the vision of, the driver of any motor vehicle.

(i) There shall be a distance of fourteen (14) feet between the ground and the bottom rung of any ladder which is permanently attached to the billboard structure. The fourteen (14) foot separation is necessary to ensure public safety. Existing signs which do not meet this standard shall not be awarded nonconforming status.

The city sign inspector is authorized to issue citations to any billboard operator whose signs are in violation of this section.

(Ord. No. 58486, § 34-53, 3-22-84)

Sec. 28-147. Maintenance.

All billboards must be kept in good repair. If the lot on which the billboard is located is undeveloped, the area between the billboard and the street or highway to which it is oriented, as well as a twenty-five (25) feet around the support pole, must be kept free of all sign materials, weeds, debris, trash and other refuse. All billboards must be maintained by a licensed billboard operator.

(Ord. No. 58486, § 34-55, 3-22-84; Ord. No. 62653, § 29, 4-3-86)

Sec. 28-148. Residential developer/builder billboards.

A maximum of four (4) residential developer and four (4) residential builder owned and operated billboards not to exceed a total number of eight (8) per residential subdivision may be erected which advertise only the name of the residential developer/builder and the name of and directions to a residential real estate development. A residential developer/builder billboard which advertises the names of the residential developer and builder on the same advertising copy shall be considered to be a part of one (1) billboard. A double faced residential developer/builder billboard shall be counted as one (1) billboard. A residential developer/builder billboard which is relocated from another site shall not be counted as part of the four (4) residential developer/builder billboards authorized under this section. In addition to the regulations set out in this chapter, the following restrictions shall apply:

(a) Residential developer/builder owned and operated billboards may be permitted only within five (5) miles of the boundaries of the advertised subdivision for up to three (3) years; provided, however, said permits may be renewed for periods of one (1) year each if the residential developer/builder submits evidence to the board to prove the following:

- (1) The existence of a bona fide operational sales office within the subdivision; and/or
- (2) Not more than ninety-five (95) percent of new homes in the subdivision have been sold.

(b) A residential developer/builder owned and operated billboard which no longer meets the requirements of this section or which is maintained beyond the expiration of its permit shall be removed within sixty (60) days at the owner's sole expense.

(c) A residential developer/builder must obtain a permit and pay fees applicable to billboards. Renewal of a permit for a residential

developer/builder owned and operated billboard shall be twenty-five dollars (\$25.00).

(Ord. No. 62653, § 30, 4-3-86)

Editor's note--Ord. No. 62653, § 30, adopted April 3, 1986, amended Ch. 28, Art. IV, Div. 2 by the addition of provisions which have been designated at the discretion of the editor as § 28-148.

Sec. 28-149. Registration of existing billboards.

Not later than the one hundred eightieth (180th) day after the effective date of this section, each operator or owner of a billboard erected pursuant to a permit issued prior to the effective date of this section, shall either remove the billboard at his expense or register the billboard with the director. The operator or owner must pay an annual inspection fee as provided in section 28-94, "Fees," for each registered sign. The annual inspection fee is payable within thirty (30) days after the beginning of each fiscal year. Failure to register a billboard or pay the annual inspection fee within the prescribed time period shall be considered a violation.

(Ord. No. 62653, § 31, 4-3-86)

Editor's note--Ord. No. 62653, § 31, adopted April 3, 1986, amended Ch. 28, Art. IV, Div. 2 by the addition of provisions which have been designated at the discretion of the editor as § 28-149.

Sec. 28-150. Billboards in ETJ.

(a) Notwithstanding spacing requirements set forth in section 28-136, billboards erected in the ETJ pursuant to a relocation permit shall adhere to the following spacing requirements:

- (1) On interstates, freeways and expressway systems, billboards up to six hundred seventy-two (672) square feet shall not be closer than one thousand five hundred (1,500) feet along one side of the roadway.
- (2) On primary and secondary arterial streets, billboards up to three hundred ninety-nine (399) square feet shall not be closer to any other billboard than one thousand (1,000) feet along one side of the roadway; on secondary arterial streets, billboards ninety-nine (99) square feet and less shall not be erected closer than seven hundred fifty (750) feet along one side of the roadway.
- (3) On collector and local access streets, billboards ninety-nine (99) square feet and less shall not be erected closer than seven hundred fifty (750) feet along one side of the roadway.

(b) Residential developer/builder owned and operated billboards erected in the ETJ shall adhere to the spacing requirements set forth

in subsection (a) above and to the requirements of subsection (c)(3) but not (c)(1) and (2) below.

(c) In addition to the provisions of this chapter, no billboards shall be erected in the ETJ unless:

- (1) Such billboard is located within eight hundred (800) feet of at least two (2) adjacent recognized commercial or industrial activities located on the same side of the roadway;
- (2) Such sign is located at least five hundred (500) feet, as measured along one side of the road, from any structure which is exclusively used by one or more human beings for residential purposes; provided, however, that this requirement shall not apply to hotels, motels, or trailer parks which provide overnight parking only.
- (3) Residential developer/builder billboards are located within one thousand eight hundred (1,800) feet of at least two (2) adjacent recognized commercial or industrial activities located on the same side of the roadway.

(Ord. No. 62654, § 3, 4-3-86)

Editor's note--Ord. No. 62654, § 3, adopted April 3, 1986, amended Ch. 28, Art. IV, Div. 2 by the addition of provisions which have been designated at the discretion of the editor as § 28-150.

Sec. 28-151. Governmental action.

Notwithstanding section 28-97(e) and (f), a legally erected billboard may be relocated on the same site due to governmental action or eminent domain proceedings on a one-for-one basis (if the sign is nonconforming under the zoning ordinance, it shall continue to retain nonconforming status) in accordance with the following stipulations:

- (1) A permit shall be obtained by a licensed billboard operator prior to removal of the billboard. Said permit shall not be referred to the board for approval. A billboard removed pursuant to this section shall not be credited to the two-for-one requirement for relocation permits provided in section 28-97(e). A permit issued pursuant to this section shall not affect the monthly limitation on square feet for advertisement display area per billboard company under section 28-97(e).
- (2) A billboard relocated pursuant to this section shall comply with all construction, height, setback and other regulations set forth in this chapter unless specifically indicated otherwise in this section;

- (3) A billboard relocated pursuant to this section shall be relocated to a site as perpendicular to the public right-of-way as practicable, such site to be approved by the director or his designated representative prior to removal of the billboard;
- (4) The size of the sign face of a billboard relocated pursuant to this section shall not exceed the size of the sign face of the removed billboard.

(Ord. No. 63490, § 1, 8-21-86)

Sec. 28-152. Signs on roads and highways maintained by the city.

(a) No person may place a sign on the right-of-way of a road or highway maintained by the city.

(b) Temporary weekend signs are permitted to be placed on the right-of-way of a road or highway maintained by the city provided that the following regulation of time, place, and manner are observed and appropriate fees have been paid.

- (1) *Schedule:* Temporary weekend signs are permitted from Friday until the following Monday. If a federally recognized holiday falls on a Friday, then signs are permitted from the preceding Thursday until the following Monday. If a federally recognized holiday falls on a Monday, then signs are permitted from Friday until the following Tuesday. Signs may not be either placed or picked up between the hours from 6:00 a.m. to 9:00 a.m. or from 4:00 p.m. to 7:00 p.m. on weekdays.
- (2) *Size:* Signs shall not exceed twenty-four (24) inches by thirty-two (32) inches in size. Irregular shaped signs shall fit in a twenty-four (24) inches by thirty-two (32) rectangle. The total height of the sign may not exceed three (3) feet above the ground measured from the base of the sign. Signs may be two-dimensional only and shall have a non-reflective surface.
- (3) *Spacing between signs:*
 - a. A minimum of five (5) feet must be maintained between each temporary weekend sign of different advertisers.
 - b. The signs of each advertiser must be spaced so that no two (2) signs advertising the same good, service, business, political campaign, or particular piece of real property (for sale or lease), are closer than two hundred (200) feet from each other measured in a straight line. If a new residential subdivision or development is being advertised, no sign of any advertiser may be closer than two hundred (200) feet from any other sign of the same advertiser.

(4) *Sign location:*

- a. Signs must be self supporting and placed into the ground by a single stake. No temporary weekend sign shall be permitted on a utility pole, street light pole, sign pole, fence, tree or other manmade or natural feature.
- b. No sign may be placed closer than twenty-five (25) feet from a street intersection or median opening. Any temporary weekend sign determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city.
- c. Signs shall be placed no closer than three (3) feet from the edge of the sign to the street curb or, if there is no curb, the edge of pavement. Signs shall not encroach on either the sidewalks or streets.
- d. No sign may be placed on any esplanade or island that is located between a road or highway or otherwise divides traffic.
- e. Except for political signs, no sign shall be placed further than three miles from the property, location, or business that is being advertised.

(5) *Registration, permits and fees:*

- a. An annual permit fee of fifty dollars (\$50.00) must be paid by each advertiser. Where an advertiser wishes to advertise multiple locations, a permit must be obtained for each business location subdivision location, or service location to be advertised by temporary weekend signs.
- b. Upon payment of said fee, the permittee may purchase annual temporary weekend registration decals. The cost of each decal shall be one dollar (\$1.00). A temporary weekend sign shall not be placed on the right-of-way of a road or highway unless an annual temporary weekend decal is affixed on the face of the temporary weekend sign.

(6) *Map, listing, and state department of transportation approval:*

- a. In addition to payment of the appropriate fees the advertiser shall provide a map and listing identifying the street and block number where each sign shall be placed.
- b. The department of building inspections shall submit the application for review by the Texas Department of

Transportation to insure the location identified in the map and listing for sign placement is not within the state highway system. If the department of transportation fails to respond within ten (10) working days after receipt of plan, it shall be assumed that the site plan is conforming to state law.

Note: Application of section 28-152(b)(6)b. is contingent on the Texas Department of Transportation's cooperation in providing such confirmation. The director of building inspections may accept confirmation from another governmental agency where appropriate.

(c) Confiscation, notice, and public auction.

- (1) Any sign placed in violation of the provisions of this section is hereby declared a nuisance to the public health, safety and welfare and may be confiscated.
- (2) If the owner of a confiscated sign is known, he or she shall be notified by certified mail, return receipt requested, not later than the tenth (10th) day after the date of the confiscation. If the owner of the sign is not known, notice of the confiscation shall be published in a newspaper of general circulation in the county not later than the 10th day after the date of the confiscation.
- (3) A notice must:
 - a. Include a description of the sign and the location from which the sign was confiscated;
 - b. Include a statement that the owner may reclaim the sign before the twenty-first (21st) day after the date the notice was mailed or published if all fines that are imposed under this section are paid; and
 - c. State the date, time, and location of the public auction where the sign will be sold if the sign is not reclaimed.
- (4) A notice by publication may contain multiple listings of confiscated signs.
- (5) The city may sell a sign at public auction if, before the twenty-first (21st) day after the date notice was mailed or published, the sign has not been reclaimed. The city shall sell the sign to the highest bidder at the auction.
- (6) The city shall remit the proceeds of an auction under section 28-192(c)(6) to the general fund.

(d) Exemption from notice requirements.

- (1) City council hereby determines that any sign that is of similar size as a temporary weekend sign is unlikely to be reclaimed if confiscated.
- (2) Such signs are exempt from the notice requirements of section 28-152(c).
- (3) Such signs shall be held for twenty-one (21) days after the date of confiscation and shall be made available for reclamation by the owner. After that period, the sign(s) may be discarded. Before reclamation, the owner shall pay five dollars (\$5.00) per sign for storage and administrative costs.

(e) Placement of unauthorized sign: Criminal offense, penalty. This subsection may be enforced by the departments of building inspections, police, or other departments designated by the city manager against any violator of any provision of this section who is not a holder of a valid annual temporary sign permit.

- (1) A person commits an offense if the person places a sign on the right-of-way of a road or highway maintained by the city in violation of this section.
- (2) An offense under this section is punishable as follows:
 - a. First offense by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00);
 - b. Second offense by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00); or
 - c. Third offense or thereafter by a fine of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00).

(f) Defense.

- (1) It is a defense to prosecution under this section that:
 - a. The sign is placed on the right-of-way of a road or highway maintained by the city by a person other than the defendant; and
 - b. Without the knowledge of the defendant.

(g) Administrative penalties. The director of building inspections shall apply the administrative procedures prescribed in this subsection, rather than bring criminal charges, where the

alleged violation of any provision of this section is by the holder of a valid annual temporary sign permit.

- (1) The penalty the director shall impose against any permit holder who has been found to violate a provision of this section shall be as follows:
 - a. First violation: A written warning shall be given.
 - b. Second violation: Revocation of permit and require double fee for new permit.
 - c. Third violation: Revocation of permit and require double fee for new permit; said permit shall not be issued until one hundred twenty (120) days has passed from the date of revocation.
 - d. Fourth violation and thereafter: revocation of permit and require double fee for new permit; said permit shall not be issued until three hundred sixty-five (365) days has passed from the date of revocation.
- (2) The director of building inspections shall make his determination based on the submission of a written report submitted by the city employee (the "accuser") alleging a violation has occurred by the accused permit holder (the "accused").
 - a. The accuser shall submit a copy of the written report to the director (and the accused, by certified mail, return receipt requested) not later than thirty (30) days from the date of the alleged violation. Exhibits such as city records and photographs may be attached to the report.
 - b. Within ten (10) days of receipt of the report the accused may submit a written response. Three copies of the response shall be mailed to the director (certified mail, return receipt requested). Exhibits may be attached to the response. The accused may in lieu of, or along with, the response request to appear before the director to present evidence in response to the charge or charges asserted. If a hearing is requested, the director shall set the matter for a public hearing and notify the accused by certified mail, return receipt requested. The notice shall provide the accused with the time, date and location of the hearing and be received by the accused at least five (5) days prior to the date of the hearing.
 - c. If the accused does not request a hearing, the director shall make a determination within thirty (30) days of receipt of the initial report by the

accuser. If the accused requests a hearing, the director shall make a determination within forty-five (45) days of receipt of the request for the hearing; but, in no instance, shall a determination of true be made before the hearing is conducted. The determination shall be based solely on the report, response, exhibits, and oral presentation, if applicable. The director shall make a determination that the allegation is true or not true. To determine that an allegation is true, the director must find by a preponderance of the evidence that the allegation made is true and constitutes a violation of this section.

- d. Before the expiration of the applicable time periods referenced immediately above, the director shall send by certified mail, return receipt requested written confirmation of his determination. If such determination is not sent within the prescribed time limit, the allegation will be assumed to be not true.
 - e. The time periods prescribed in this subsection may be waived only by the written consent of the director and the accused.
- (3) If the director determines an allegation to be true, the accused may appeal to city council.
- a. The request for appeal must be submitted to the city clerk, by registered mail, return receipt requested, within ten (10) days of receipt of the director's determination.
 - b. The city clerk shall place the appeal on the first available regularly scheduled meeting of the city council. The clerk shall forward copies of the report, the response, and any exhibits to each member of the city council.
 - c. The director of building inspections' determination shall stand unless a motion to reverse the decision is made, seconded and received a majority vote of the council members present at the hearing.
 - d. After hearing the appeal, city council may defer action for thirty (30) days. If the council fails to take action before the expiration of thirty (30) days after the appeal is heard, the decision of director shall stand.

(h) Section not applicable to federal, state or local governments.

This section is not applicable to any sign placed in the right-of-way of the city by, or at the direction of the federal, state or local government.

(i) Permission of abutting property owners necessary. Nothing in this section authorizes the placement of signage contrary to existing property law. The advertiser must secure all necessary permission of any and all parties having a property interest in the right-of-way prior to placing any temporary weekend sign.

(j) Provisions not severable.

(1) If any provision of this section is found to be in violation of either the federal or state constitution or other applicable law by a court of competent jurisdiction, then this section is repealed in its entirety and the regulation of signage in the right-of-way shall thereafter be controlled by Texas Transportation Code § 393.001 et seq.

(Ord. No. 87156, § 2, 12-18-97; Ord. No. 87849, § 1, 5-21-98)

Secs. 28-153--28-160. Reserved.

ARTICLE V. PORTABLE SIGNS*

***Editor's note**--Ord. No. 62652, § 1, adopted April 3, 1986, deleted former Art. V, §§ 28-161--28-170, relative to portable signs and § 2 of Ord. No. 62652 enacted new provisions concerning similar subject matter to read as herein set out in Art. V, §§ 28-161 and 28-162. The provisions of former Art. V, §§ 28-161--28-170 derived from Ord. No. 58486, § 34-56, adopted March 22, 1984.

Sec. 28-161. Prohibition of portable signs.

It shall be unlawful to intentionally place or display, or cause to be placed or displayed, any portable sign on any premises other than at a properly zoned storage area of one properly licensed under this chapter unless it has been registered in accordance with section 28-162.

(Ord. No. 62652, § 2, 4-3-86)

Sec. 28-162. Nonconforming rights.

(a) *Generally.* Each portable sign placed prior to September 22, 1985, shall be awarded nonconforming status if registered with the director within a period of one hundred eighty (180) days after the effective date of this provision, maintained in compliance with the electrical code of the City of San Antonio and located at least two (2) feet inside private property lines. The registration form shall include a sworn statement, signed by the sign owner and, if the sign

is leased to another party, the lessee, which verifies that the portable sign was placed prior to September 22, 1985, and has been displayed at the location identified in the registration form at least since September 22, 1985. The director shall provide the registration form and may prescribe further requirements to be included thereon. If a portable sign is not registered within the prescribed time period, the director shall require the portable sign to be removed at the owner's expense.

A portable sign shall be displayed only at the location identified on the registration form as provided by the director. Removal of any nonconforming portable sign from the identified location shall result in termination of nonconforming rights and a portable sign may not be replaced at that location.

The owner of a nonconforming portable sign must pay an annual inspection fee as provided in section 28-94 "Fees" for each registered portable sign. The annual inspection fee is payable within thirty (30) days after expiration of the one hundred eighty-day period provided above and, thereafter, within thirty (30) days after the beginning of each fiscal year. Failure to register a portable sign within the prescribed time periods shall constitute a violation hereof.

(b) *Commentary.* Prohibiting further placement of portable signs is desired because they are not consonant with aesthetic values of the community and because they present unique safety problems.

Lightweight design and easy mobility of portable signs together with frequent use of electrical components create a potential for extraordinary safety hazards. Portable signs are often placed in close proximity to public rights-of-way in order to optimally attract the attention of motorists. Such placement creates visual obstruction of oncoming pedestrian and vehicular traffic for motorists ingressing or egressing from a place of business. Portable signs also have a tendency to be blown about in strong winds. Portable signs with electrical connections and components, if improperly maintained, pose a serious public safety hazard. Therefore, use of portable signs must conform to regulations for on-premises signage as set out in Article IV, Division 1 of this chapter.

Registration and annual inspection of portable signs are necessary measures to identify especially hazardous conditions and promote to the extent possible their proper operation and maintenance and to preserve the health, safety and welfare of citizens of and visitors to the City of San Antonio.

(Ord. No. 62652, § 2, 4-3-86)

Secs. 28-163--28-185. Reserved.

ARTICLE VI. RESERVED*

***Editor's note--**Ord. No. 80910, § 3, adopted Oct. 6, 1994, deleted former Art. VI, §§ 28-185--28-200, relative to signs and billboards in the River Walk Area, which derived from Code 1959, §§ 34-51--34-58; Ord. No. 41342, adopted Oct. 12, 1972; and Ord. No. 58486, adopted March 22, 1984. Provisions regarding the River Walk Area are currently contained in Ch. 35, Art. VII. Additionally, said Ord. No. 80910, § 2(Att. 2(5)), also deleted the provisions of former Ch. 28, Art. VI.

Secs. 28-186--28-215. Reserved.

ARTICLE VII. URBAN CORRIDORS

DIVISION 1. GENERALLY

Sec. 28-216. Purpose.

(a) Within the city's extraterritorial jurisdiction there are many roadway corridors which have been and/or will continue to be very significant to the City of San Antonio. Some of these corridors are important because they have shaped the sense of what individual neighborhoods of the city are in their role as historic entrances to the city. Other corridors are significant because they serve as new gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas. These corridors are amenities and assets of great value to the city, its inhabitants and its economy. The city council aims to preserve, enhance, and perpetuate the value of these roadway corridors and hereby authorizes the establishment of urban corridors.

(b) The purposes of these corridors are as follows:

- (1) To create a more attractive, cohesive, and safe corridor environment.
- (2) To safeguard San Antonio's heritage by preventing the despoliation of areas that reflect important elements of the city's cultural, natural, historic, and economic fabric.
- (3) To create favorable impressions of San Antonio that provide environmental enrichment for the citizens of the city and visitors thereto.
- (4) To enhance San Antonio's image as a progressive, scenic, and liveable city.
- (5) To preserve, protect, and enhance areas of high tourist and visitor visibility.
- (6) To enhance the appearance and economic viability of urban corridors within neighborhoods.

- (7) To provide corridor motorists and pedestrians with rewarding viewing opportunities.
- (8) To reduce visual chaos and limit distractions along public roadways.
- (9) To stabilize and strengthen property values within the corridors.

(Ord. No. 76381, § 2(Att. II), 8-27-92)

Sec. 28-217. Designation criteria.

To be designated as an urban corridor, an area must meet one (1) or more of the following criteria:

- (a) The corridor serves as a recognized primary entryway to the city.
- (b) The corridor abuts, traverses, or links designated historic landmarks and/or districts.
- (c) The corridor traverses areas where natural vegetation representative of the native landscape is present along at least fifty (50) percent of the street frontage.
- (d) There is substantial public and/or private commitment of resources for redevelopment or revitalization of at least fifty (50) percent of the corridor's buildings or infrastructure.
- (e) The corridor has historically served as a regional or neighborhood commercial center for at least fifty (50) years.
- (f) The corridor provides primary access to one (1) or more major tourist attractions.
- (g) The corridor abuts, traverses, or links the San Antonio River or its major tributaries, area lakes, or major parks.
- (h) The corridor traverses residential areas where housing is present along at least fifty (50) percent of the street frontage.

(Ord. No. 76381, § 2(Att. II), 8-27-92)

Sec. 28-218. Designation process.

(a) This article authorizes the establishment of urban corridors within the city's extraterritorial jurisdiction to regulate sign standards. Ordinances designating each urban corridor shall identify

the designated street corridor(s) and specify the sign standards for that corridor.

(b) Designation of specific urban corridors shall be initiated at the direction of the city council or by a memorandum signed by a majority of council members.

(c) The planning commission is hereby designated in accordance with section 118, paragraph 3, of the City Charter to hold public hearings on all proposed urban corridor sign standards and submit a recommendation to the city council. The city council shall also hold a public hearing prior to considering urban corridor sign standards. The director of planning shall provide notice of each public hearing to the owners of real property inside and within two hundred (200) feet of the proposed urban corridor. Such notice shall be served by depositing the notice, properly addressed and postage paid, in a city post office not less than ten (10) days prior to the scheduled date of the public hearings to all owners who have rendered their property for taxes on the last approved tax roll.

(Ord. No. 76381, § 2(Att. II), 8-27-92)

Sec. 28-219. Boundaries.

(a) To be designated as an urban corridor, a street must be a collector, arterial, or expressway. An urban corridor shall be designated on both sides of a street except when one (1) side is not located within the city's extraterritorial jurisdiction.

(b) The maximum width of an urban corridor along either side of the street right-of-way shall not exceed the distance indicated in the table below:

Collector street	100 feet
Arterial street	200 feet
Expressway	500 feet

(c) The minimum length of urban corridor districts shall generally comply with the following distances:

Collector street	1,320 feet
Arterial street	2,640 feet
Expressway	5,280 feet

(Ord. No. 76381, § 2(Att. II), 8-27-92)

Sec. 28-220. Sign standards.

(a) *General.* Ordinances establishing specific urban corridors may include requirements for on- and off-premises signs subject to the guidelines included herein. Specific corridor ordinances may

include more or less restrictive standards for off-premises signs. In event of a conflict between a specific corridor ordinance and other provisions of this Code, the most restrictive shall apply.

(b) *Prohibited signs.* Other provisions of this Code notwithstanding, the following signs are prohibited unless expressly authorized by the city council to create a unifying theme in a specific urban corridor:

- (1) Animated, moving, flashing, or rotating signs. However, electronic message centers up to twenty-five (25) percent of the allowable sign area are permitted.
- (2) Three-dimensional objects such as vehicles, animals, instruments or other figures; propellers, wind powered or other similar devices or objects; and air-filled figures other than balloons one (1) foot or less in diameter.
- (3) Signs which utilize intermittent or flashing illumination devices; which change light intensity, brightness or color; or which are constructed and operated so as to create an appearance or illusion of motion unless specifically authorized by the city council to create a unifying theme in an urban corridor.
- (4) Roof signs.

(c) *Temporary signs.* Banners, pennants, streamers, and balloons (1) foot or less in diameter may be used as temporary advertising for a maximum duration of thirty (30) days each six (6) months. Permits in accordance with chapter 28 of this Code are required for signs over fifteen (15) square feet in size.

(d) *On-premises pole sign.*

- (1) Platted lots along designated urban corridors shall be permitted one (1) pole sign for each two hundred (200) linear feet of street frontage or fraction thereof, but in any event shall be permitted at least one (1) sign. A pole sign shall not be erected closer than two hundred (200) feet along one side of the street to another pole sign within the same platted lot.
- (2) In lieu of the signs permitted in subsection (1) above, platted lots along expressways shall be permitted one (1) pole sign for each one hundred (100) linear feet of street frontage or fraction thereof provided the sign area for each sign does not exceed two hundred fifty (250) square feet.
- (3) The maximum height for pole signs shall be in accordance with the table below. The height of a sign shall be measured from the adjacent primary street grade provided

that the overall height of the sign does not exceed sixty (60) feet above ground level.

n

Maximum Sign Height (in feet)

Designated street	Pole sign	Multiple tenant sign
Local street	10 --15	15--25
Collector/arterial street	30 --40	40 --50
Expressway	40 --50	50 --60

- (4) The maximum allowable sign area for each pole sign shall be established in accordance with the table below. For signs with more than one (1) face, only the area of one face shall be counted, provided only one (1) face is visible from any one (1) direction.

Maximum Sign Area (in square feet)

Designated street	Pole sign	Multiple tenant sign
Local street	64 -- 96	96 -- 160
Designated street	Pole sign	Multiple tenant sign
Collector/arterial street	200 -- 300	350 -- 500
Expressway	350 -- 500	500 -- 650

- (5) The following signs shall not be included in the total allowable sign area: real estate signs, temporary signs, signs which are designed not to be visible from or directed to traffic on the adjacent street, electric directional signs less than five (5) feet in height, construction signs, and signs which are exempted from the permit requirement in subsection (h) below.

(e) *Wall signs.* Wall signs shall not extend or project more than one-third (1/3) the vertical height of the sign above the roof or parapet of a building or structure. The maximum allowable sign area for wall signs along all street frontages shall be as follows:

Cabinet signs....20 percent of the wall area

Channel letter signs....25 percent of the wall area

(f) *Address requirement.* The street address of an establishment must be prominently displayed on a sign and/or the building and shall be visible from adjacent streets at all times.

(g) *Maintenance.* All signs and components thereof shall be maintained in good repair and in the proper state of preservation at all times and shall be kept free of weeds, trash, and other refuse. The display surfaces of all signs shall be kept neatly painted or posted at all times. The building official may order the removal of any sign not meeting these standards at the expense of the sign or property owner within sixty (60) days of notification by the city. If the business or activity for which a sign was permitted, ceases to operate for a period of one hundred eighty (180) days, the sign shall be considered abandoned and the sign shall be removed by the sign or property owner.

(h) *Permit requirement.* A permit must be obtained from the department of building inspections before a sign may be erected within an urban corridor. Applications for a permit shall be made upon forms provided by the department. All signs shall display a tag as evidence of the permit. However, the following signs shall be exempt from the permit requirement:

- (1) Real estate signs. One (1) non-electric sign adjacent to each street right-of-way, not exceeding thirty-two (32) square feet in size and used solely to advertise the sale or lease of the premises upon which the sign is located. These signs must be removed within ninety (90) days after the sale or lease of the premises.
- (2) Governmental signs. Governmental agencies are encouraged to coordinate their signs with respect to color size, height and placement.
- (3) Signs on the surface of or inside windows, not exceeding fifteen (15) square feet in size, providing they do not cover more than twenty-five (25) percent of the window

area. The sign area shall be determined by measuring the perimeter around the edge of the lettering.

- (4) Non-electric directional signs not exceeding fifteen (15) square feet in size. These signs must be composed of durable material, situated wholly upon private property and not exceed a maximum height of eight (8) feet.
- (5) Signs less than fifteen (15) square feet in size and designed not to be read by the traveling public, including menu boards, service station pump decals and spanners.

(i) *Nonconforming signs.* Nonconforming signs shall be brought into conformance with the requirements of the urban corridor ordinance when there are alterations or repairs to the sign exceeding fifty (50) percent of the sign's value.

(Ord. No. 76381, § 2(Att. II), 8-27-92)

Sec. 28-221. Variances.

(a) The director, upon recommendation of the board of adjustment, may grant variances to the sign standards adopted in an urban corridor in the extra territorial jurisdiction of the city in order to prevent undue hardship or inequitable application of the regulations or to preserve the public safety. The effect of a variance shall not be to grant a special privilege to any one property owner, but rather to assure fair and equitable treatment of properties with unusual locations, configurations or graphics communication problems. The director, upon recommendation of the board of adjustment, may make a final determination of any decision of the chief electrical inspector based on an interpretation of Article VII.

A hearing of variance, a final determination regarding an interpretation of Article VII or an appeal to city council shall be in accordance with Section 28-246(c) and the variance and appeal procedures as outlined in Section 28-247.

(Ord. No. 76381, § 2(Att. II), 8-27-92; Ord. No. 83198, § 1, 11-16-95)

Sec. 28-222. Reserved.

DIVISION 2. IH-10/FM 1604 URBAN CORRIDOR

Sec. 28-223. IH-10/FM 1604 urban corridor

(a) *Boundaries.* The following areas which are located outside the city limits are designated as the I.H. 10 West/Loop 1604 urban corridor:

- (1) Both sides of I.H. 10 West, an expressway, between Wurzbach Road and Boerne Stage Road for a distance of five hundred (500) feet from the street right-of-way.
- (2) Both sides of Loop 1604, an expressway, between Northwest Military Highway and Hausman Road for a distance of five hundred (500) feet from the street right-of-way.
- (3) Both sides of Babcock Road, an arterial street, between Loop 1604 and Camp Bullis Road for a distance of two hundred (200) feet from the street right-of-way.
- (4) Both sides of Camp Bullis Road, an arterial street, between I.H. 10 West and Babcock Road for a distance of two hundred (200) feet from the street right-of-way.

(b) *Designation criteria.* The areas specified in subparagraph (a) above meet the following designation criteria established by section 28-217:

- (1) The corridor serves as a recognized primary entryway to the city.
- (2) The corridor traverses areas where natural vegetation representative of the native landscape is present along at least fifty (50) percent of the street frontage.
- (3) The corridor provides primary access to one or more major tourist attractions.

(c) *Other provisions.* In addition to the requirements set forth in this section, the mandatory provisions of sections 28-220 through 28-221 shall be applicable to this corridor.

(d) *Off-premises signs.* Off-premises signs are prohibited in the corridor.

(e) *Maximum sign height and size.*

- (1) The maximum heights for on-premises signs are as follows:

Maximum Sign Height (in feet)

Designated street	Pole sign	Multiple tenant sign
Local street	10	15

Collector/arterial street	30	40
Expressway	40	50

- (2) The maximum allowable sign area for on-premises signs are as follows:

Maximum Sign Area (in square feet)

Designated street	Pole sign	Multiple tenant sign
Local street	64	96
Collector/arterial street	200	350
Expressway	350	500

(Ord. No. 77578, § 2(Att. II), 3-11-93)

Sec. 28-224. UC-2, Broadway urban corridor district.

(a) *Boundaries.* The following area is designated as the Broadway urban corridor district: both sides of Broadway, an arterial, between IH-35 and the city limits of Alamo Heights for a distance of two hundred (200) feet from the street right-of-way.

(b) *Designation criteria.* This corridor meets the following designation criteria established by section 35-3152:

- (1) The corridor provides primary access to one or more major tourist attractions.
- (2) The corridor abuts, traverses, or links the San Antonio River or its major tributaries, area lakes, or major parks.

(c) *Other provisions.* In addition to the requirements set forth in this section, the mandatory provisions of sections 35-3155 through 35-3157 shall be applicable to this district.

(d) *Setback*. The setback along Broadway is established at twenty-five (25) feet.

(e) *Screening*. The following uses shall be screened from Broadway to a height sufficient to completely screen the use from view at ground level: all outside storage, industrial activities, off-street loading areas as required by Division 9 of this article, refuse storage areas, air conditioning and heating equipment, and microwave and satellite antennas. An opaque screen composed of berms, walls, fences, vegetation, or a combination of these materials shall be used.

(f) *Off-premises signs*. Off-premises signs are prohibited in this corridor district.

(g) *Maximum sign height*. The maximum heights for on-premises signs are thirty (30) feet for pole signs and forty (40) feet multiple tenant signs.

(h) *Maximum sign size*. The maximum allowable sign areas for on-premises signs are two hundred (200) square feet for pole signs and three hundred fifty (350) square feet for multiple tenant signs.

(Ord. No. 80945, § 4, 10-13-94)

Sec. 28-225. UC-3, Fredericksburg Road urban corridor district.

(a) *Boundaries*. The following area is designated as the Fredericksburg Road urban corridor district: both sides of Fredericksburg Road, an arterial, between Martinez Creek and Santa Barbara Street for a distance of two hundred (200) feet from the street right-of-way.

(b) *Designation criteria*. This corridor meets the following designation criteria established by section 35-3152:

- (1) The corridor has historically served as a regional or neighborhood commercial center for at least fifty (50) years.
- (2) There is substantial public and/or private commitment of resources for redevelopment or revitalization of at least fifty (50) percent of the corridor's buildings or infrastructure.

(c) *Other provisions*. In addition to the requirements set forth in this section, the mandatory provisions of sections 35-3155 through 35-3157 shall be applicable to this district.

(d) *Setback*. The setback along Fredericksburg Road is established at twenty-five (25) feet.

(e) *Screening*. The following uses shall be screened from Fredericksburg to a height sufficient to completely screen the use

from view at ground level: all outside storage, industrial activities, off-street loading areas as required by Division 9 of this article, refuse storage areas, air conditioning and heating equipment, and microwave and satellite antennas. An opaque screen composed of berms, walls, fences, vegetation, or a combination of these materials shall be used.

(f) *Off-premises signs.* Off-premises signs are prohibited in this corridor district.

(g) *Maximum sign height.* The maximum heights for on-premises signs are thirty (30) feet for pole signs and forty (40) feet for multiple tenant signs.

(h) *Maximum sign size.* The maximum allowable sign areas for on-premises signs are two hundred (200) square feet for pole signs and three hundred fifty (350) square feet for multiple tenant signs.

(Ord. No. 80945, § 5, 10-13-94)

Sec. 28-226. UC-4, North St. Mary's Street urban corridor district.

(a) *Boundaries.* The following area is designated as the North St. Mary's Street urban corridor district: both sides of North St. Mary's Street, an arterial, between I.H. 35 and HWY 281 for a distance of two hundred (200) feet from the street right-of-way.

(b) *Designation criteria.* This corridor meets the following designation criteria established by section 35-3152:

- (1) The corridor has historically served as a regional or neighborhood commercial center for at least fifty (50) years.
- (2) The corridor provides primary access to one or more major tourist attractions.
- (3) The corridor abuts, traverses, or links the San Antonio River or its major tributaries, area lakes, or major parks.

(c) *Other provisions.* In addition to the requirements set forth in this section, the mandatory provisions of sections 35-3155 through 35-3157 shall be applicable to this district.

(d) *Setback.* The setback to this urban corridor is established at zero (0) feet.

(e) *Screening.* The following uses shall be screened to a height sufficient to completely screen the use from view at ground level: all outside storage, industrial activities, off-street loading areas as required by Division 9 of this article, refuse storage areas, air conditioning and heating equipment, microwave and satellite antennas.

An opaque screen composed of berms, walls, fences, vegetation, or a combination of these materials shall be used.

(f) *Off-premises signs*. Off-premises signs are prohibited in this corridor district.

(g) *Maximum sign height*. The maximum height for on-premises signs are thirty (30) feet for pole signs and forty (40) feet for multiple tenant signs.

(h) *Maximum signs size*. The maximum allowable sign areas for on-premises signs are two hundred (200) square feet for pole signs and three hundred fifty (350) square feet for multiple tenant signs.

(Ord. No. 80945, § 3, 10-13-94)

Secs. 28-227--28-231. Reserved.

ARTICLE VIII. AMORTIZATION PLAN FOR NONCONFORMING SIGNS*

*Editor's note--Ord. No. 62653, § 33, adopted April 3, 1986, provided that the municipal board on sign control be directed to cease and desist from implementing procedures to amortize those two hundred seventy-four (274) billboards identified as nonconforming as of September 1, 1985.

Sec. 28-232. Definitions.

For purposes of this article, the following definitions shall apply:

Municipal board on sign control means a five-member board appointed by the city council and composed of members, with powers and duties, as required by state law.

Municipality means the City of San Antonio.

Sign means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended or used to advertise or inform.

(Ord. No. 60801, § 1, 5-30-85)

Sec. 28-233. Authority of city to remove nonconforming signs.

The city council may require the removal, relocation or construction of any sign which does not meet the spacing, height, size and setback requirements of this chapter in accordance with the following provisions:

- (1) The municipal board on sign control shall compile a list of the signs that, on September 1, 1985, are not in compliance with this chapter. The board shall compile the list before December 1, 1985.
- (2) Before December 15, 1985, the board shall have made a diligent effort to mail a written notice to the owner of each sign on the list. The notice must be sent through the United States Postal Service by certified or registered mail with return receipt requested. The notice must state that the sign is on the list of signs that are not in compliance with this chapter, must describe the sign by general type and by location, and must describe the action that is required of the owner under subsection (3) of this section. If either the identification of an owner of a sign on the list or the address of the owner cannot be determined by the board after the board has made a diligent effort to do so, the board, before December 15, 1985, shall cause a notice to be published in a newspaper of general circulation in the municipality. The newspaper notice must contain information similar to that required to be in the personal written notice.
- (3) Before February 1, 1986, the owner of a sign that is on the list compiled by the board shall file with the board a record of the owner's signs that the owner determines can be brought into compliance with this chapter at a cost of fifteen (15) percent or less of the value of the sign and also shall file another record of the signs that the owner determines cannot be brought into compliance at that cost. If an owner fails to timely file the required information about a sign, the board shall treat the sign as if the owner had recorded it as being able to be brought into compliance at a cost of fifteen (15) percent or less.
- (4) Before March 15, 1986, the board shall verify the records filed with the board under subsection (3) of this section. If the board questions an owner's determination made under subsection (3), the board shall obtain three (3) competitive bids regarding the cost at which the sign can be brought into compliance with this chapter. After receiving the bids, the board may make its own determination regarding the sign. The verification, including any determination the board may make as authorized by this subsection, may be made only after the owner of the signs is given an opportunity for a hearing before the board about the issues involved in the matter. As part of the verification process, the board shall appraise the value of the signs at compensable costs.
- (5) Of an owner's signs that the board verifies can be brought into compliance at the cost of the fifteen (15) percent or less, the board shall permit the owner to keep half of those signs as nonconforming uses and shall require the

other half to be brought into compliance at no cost to the municipality. If an owner has more than one (1) sign and the total number of signs is an odd number, the one (1) additional sign that prevents an exact half division shall be added to the number of signs permitted as nonconforming uses. In making its determination of which signs to permit as nonconforming uses and which to require to be brought into compliance, the board shall consider the requests of the owner and shall consider other relevant factors, including factors such as geography, density, value, traffic flow and cost of compliance.

- (6) The signs that are required to be brought into compliance are subject to the following schedule:
 - a. One-third of those signs must be brought into compliance before July 1, 1986;
 - b. Another one-third of those signs must be brought into compliance before July 1, 1987; and
 - c. The remaining one-third must be brought into compliance before July 1, 1988.
- (7) For signs that the board verifies cannot be brought into compliance at the cost of fifteen (15) percent or less, the board shall determine the entire useful life of those signs by type or category, such as the categories of monopole signs, metal signs, and wood signs. The useful life may not be solely determined by the natural life expectancy of a sign. For those signs, the governing body of the municipality may:
 - a. Permit the signs within the corporate limits of the municipality to be kept in place as nonconforming uses for a period computed by taking the entire useful life of the sign subtracting from that useful life the period that the sign has been under the municipality's amortization plan, and multiplying that result by sixty-five (65) percent;
 - b. Permit the signs within the extraterritorial jurisdiction of a municipality to be kept in place as nonconforming uses for a period computed by taking the entire useful life of the sign and multiplying that useful life by sixty-five (65) percent; or
 - c. Pay the sign owner, by one of the methods prescribed by state law, sixty-five (65) percent of the compensable costs of the relocation, reconstruction or removal of the sign, as those costs are determined under state law.

- (8) For each nonconforming sign, the board shall file with the appropriate property tax appraisal office the board's compensable costs value appraisal of the sign. The board shall file the information on or before March 15, 1986. The appraisal office shall consider the board's appraisal when the office, for property tax purposes, determines in 1986 and later years the appraised value of the real property to which the sign is attached.
- (9) If a sign is required to be removed and the sign owner is to be compensated under subsection (7)c of this section, the owner of the real property on which the sign was located is entitled to be compensated for sixty-five (65) percent of any decrease in the value of the real property. The compensable cost is to be determined by the board according to standards applicable in a proceeding under chapter 21, Property Code. The governing body of the municipality may pay the owner by one of the methods allowable under state law.

(Ord. No. 60801, § 2, 5-30-85)

Sec. 28-234. Appeal.

(a) Any person aggrieved by a decision of the board may present to a district court a petition, duly verified, setting forth the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court not later than the twentieth day after the day the decision is rendered by the board.

(b) Upon presentation of the petition, the court may allow a writ of certiorari directed to the board to review the decision of the board and shall prescribe in the writ the time within which a return must be made, which may not be less than ten (10) days and may be extended by the court.

(c) The board is not required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of the papers. The return must concisely set forth all other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

(d) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(e) Costs may not be allowed against the board unless it shall appear to the court that the board acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

(Ord. No. 60801, § 3, 5-30-85)

Sec. 28-235. Exceptions.

(a) The requirements of this article do not apply to any sign that was erected in violation of local ordinances, laws or regulations applicable at the time of its erection.

(b) The requirements of this article do not apply to a sign that, having been permitted to remain in place as a nonconforming use, is required to be removed by a municipality because the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign.

(c) For purposes of subsection (b) of this section, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

(d) This article may not be construed to limit or restrict the compensation provisions of the highway beautification provisions contained in article IV, Texas Litter Abatement Act (article 4477-9a, Vernon's Texas Civil Statutes).

(Ord. No. 60801, § 4, 5-30-85)

ARTICLE IX. ON-PREMISES SIGNS

Sec. 28-236. Purposes of Article IX

(a) To provide some limitations for on-premises signs which will protect the scenic beauty and friendly ambiance which are essential elements in San Antonio's quality of life. The city's beauty and charm, and its unique urban character, have been the cornerstone of San Antonio's modern-day economy. Reasonable limits on signage can help to preserve these economic cornerstones.

(b) To promote the safety of persons and property by providing that signs do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

(c) To promote harmony and order in the on-premises signs along the city's streets by recognizing the relationship between the scale and function of a particular street and its on-premises signs, and ensuring that this relationship is sensitive to the surrounding neighborhood.

(d) To provide freedom for expression and creativity. Signs are an important medium of artistic expression in the American culture and this article is intended to allow the most flexibility possible to create unique and varied forms of signs which are also sensitive to the scale of their surroundings.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-237. Scope.

(a) This article [Ordinance 81318] is intended to establish a comprehensive system for regulating signs within the city and its extraterritorial jurisdiction with reasonable standards and controls for the protection of the public and aesthetic qualities of the city, and to ensure the availability of adequate, quality signs in the community.

(b) The objectives and strategies of this article are as follows:

- (1) To recognize that most signs, by their nature, are designed and located to be seen by the driving public and to ensure that they are sized, located, and otherwise regulated so as to maximize traffic safety.
- (2) To recognize that visual clutter leads to a decline in the city's appearance, a decline in property values, and a decline in the effectiveness of the signs.
- (3) To allow for the identification of business, residential and public uses without creating safety hazards, confusion, unsightliness or visual obscurity of adjacent businesses or other neighboring structures.
- (4) To assure that on-premises signs in terms of size, height, scale, and location are properly related to the overall adjacent land use character and development. To assure proper scale there must be a relationship between the size, height, location, and number of signs and their surroundings. Allowed land uses, intended street functions, and lot density are important factors in determining proper scale and appropriate standards for streetscape design.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-238. General provisions.

(a) *Clear vision area.* No sign shall be placed within the clear vision area defined in Chapter 35.

(b) *Traffic and legally required signs.* Nothing in this division shall be construed to prevent or affect the display of insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.

(c) *Construction and "for sale" signs.* Freestanding or attached signage is limited to the heights and sizes listed in Table 1 below for the purpose of advertising a construction project or the sale or lease of the property on which the sign is located. Construction and for sale signs shall be removed within fifteen (15) days following completion of the construction or the sale, rental, or lease of the property involved.

TABLE 1

	Height (Per sign)	Area
Expressway	30 feet	425 square feet
Arterial Type A & B	30 feet	128 square feet
Local	30 feet	64 square feet

The area represents the total square footage of all signs per street frontage. For instance, on a local street, one 64 square foot sign would be allowed or two 32 square foot signs; four 15 square foot signs, etc.

(1) Signs located in residential zoning districts shall not exceed thirty-two (32) square feet in area or eight (8) feet in height.

(2) Standards for subdivision identification sign and for sale signs for residences are specified in Section 35-3304(d).

(d) *Special districts.* The sign regulations for historic landmarks and districts and for the River Walk area are contained in Article VII of Chapter 35 of the City Code.

(e) [*Freestanding, multiple-tenant signs in non-residential zoning districts.*] Freestanding, multiple-tenant signs in non-residential zoning districts shall contain the address number (to the nearest block) of the sign. Said numbers shall be clearly visible from the street with each numeral being a minimum of four (4) inches in height. The portion of the sign utilized for minimum compliance with this subsection shall not be included in the calculation of sign area.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-239. Sign height and area.

(a) *Height computation.* The height of a sign shall be computed as the distance from the ground level of the sign to the top of the highest attached component of the sign.

(b) *Sign area.*

- (1) *Area computation.* The area of a sign shall be computed on the actual area of the sign. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or other displays. Any border which forms an integral part of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.
- (2) *Double-faced signs.* The area of a sign shall be computed on a sign face basis and all requirements with respect to sign area refer to the area of a single face. A double-faced sign shall be permitted to have the allowed area for a single-faced sign on each of the two (2) faces of the sign.
- (3) *Three-dimension signs.* For three-dimensional signs and objects, the sign area is the rectangle within which the largest two-dimensional projection (silhouette) of the object can be enclosed.
- (4) *Channel letter signs.* For channel letter signs, the sign area shall be the smallest rectangle that will encompass the limits of the writing, including spaces between the letters. Each advertising message shall be considered separately.
- (5) Lots fronting on two (2) or more streets. Platted lots fronting on two (2) or more streets are allowed the permitted freestanding signage for each frontage, but such signage cannot be transferred from one frontage to another.

(c) *Height and size limitation.*

- (1) For the first freestanding sign on a lot, the height and size maximum shall be in accordance with Table 2 and/or Table 3 if applicable. All subsequent freestanding signs on the lot shall not exceed seventy-five (75) percent of the allowable height and size specified in the appropriate Table(s).

On lots with frontage on more than one (1) street, the same shall apply for each street.

On the first freestanding sign on a lot where the primary use is automobile sales, the height and size for all freestanding signs shall be in accordance with Table 2 and/or Table 3.

- (2) One (1) freestanding sign shall be permitted for each one hundred and fifty (150) feet of street frontage. On lots

with frontage on more than one (1) street, the same shall apply for each street. All allowed freestanding signs shall be in accordance with Table 2 and/or Table 3 as specified in subsection (1) above.

Maximum-Allowable Heights and Sizes for Freestanding Signs in Nonresidential Zoning Districts

TABLE 2

Street Classification	Height (Ft.)	Size (SF)
Local	16	75
Arterial Type B/Commercial Collector		
	24	150
Arterial Type A	40	240
Expressway	50 *	375

*Not to exceed fifty (50) feet in height above the adjacent street grade, not to exceed a maximum of sixty (60) feet above ground level.

(d) *Height and size limitation.* Freestanding multiple tenant signs in nonresidential zoning districts shall be limited in height and size in accordance with Table 3.

Allowable Heights and Sizes for Freestanding Multiple Tenant Signs in Nonresidential Zoning Districts

TABLE 3

Street Classification	Height (Ft.)	Size (SF)

Local	20	125
Arterial Type B/Commercial Collector		
	32	250
Arterial Type A	50	500
Expressway	60*	650

*Not to exceed sixty (60) feet in height above the adjacent street grade, not to exceed a maximum of seventy (70) feet above ground level.

(e) The expressway standards set out in Tables 2 and 3 shall also apply to lots, or any portion of lots, located within five hundred (500) feet of an expressway where said lot or lots do not have frontage on an expressway.

If an expressway size sign is erected on a lot which does not have expressway frontage, said sign shall be setback a minimum of one hundred (100) feet from the nearest street easement or right-of-way and a minimum of two hundred (200) feet from the nearest residential zone.

Said sign or signs shall be oriented to the expressway.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-240. Provisions applicable to residential zoning districts.

(a) The provisions of this section apply to all signs in any residential zoning district and within a radius of one hundred (100) feet of a residential zoning district or a public park boundary.

(b) The following signs are allowed in residential zones:

- (1) One attached, nonilluminated nameplate identifying a home occupation or bed and breakfast establishment not to exceed one (1) square foot in sign area.
- (2) Apartment or condominium complex freestanding signs are allowed in accordance with Table 2. In addition, one identification sign per entrance is allowed.

- (3) For nonresidential uses on local streets, one (1) freestanding sign and one attached sign, each not to exceed thirty-six (36) square feet in sign area is allowed. For nonresidential uses on arterials/commercial collectors and expressways, freestanding signs are allowed in accordance with Table 2.

(c) Special regulations for residential zones:

- (1) Freestanding signs shall have a maximum height limit of eight (8) feet and shall be set back fifteen (15) feet from any public right-of-way and a minimum of ten (10) feet from side and rear lot lines abutting residential uses.
- (2) No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot candles as measured within six (6) inches of the sign face.
- (3) No sign nor part of any sign in a residential zoning district shall move, flash, rotate, or change its illumination.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-241. Provisions applicable to nonresidential zoning districts.

(a) The number and size of signs allowed in nonresidential zoning districts shall be based on Tables 2 and 3 of this Article and the street classification as specified in the Major Thoroughfare Plan, Article IV of the Unified Development Code and the definitions included in this chapter.

(b) *Local streets.*

(1) *Freestanding signs.*

- a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage.
- b. The sign shall be set back a minimum of five (5) feet from the street right-of-way and ten (10) feet from all interior side lot lines.

- (2) *Attached signs.* The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or fifty (50) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.

(c) *Arterials Type A and B/Commercial Collectors*

(1) *Freestanding signs.*

- a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage. Additional freestanding signs are permitted with a minimum spacing of every one hundred and fifty (150) linear feet. Additional freestanding signs shall not exceed seventy-five (75) percent of the allowable height and size set out in Tables 2 and 3 of this article, except as described in Section 28-241(c)(1)b. below.
- b. Where the primary use of a lot is automobile sales, one (1) freestanding sign shall be permitted for each one hundred and fifty (150) linear feet of street frontage in accordance with Table 2. The maximum height and size for all allowed signs on lots where the primary use is automobile sales shall be in accordance with Table 2 or 3, whichever applies. On lots with frontage on more than one (1) street, the same shall apply for each street.
- c. Signs shall be set back a minimum of ten (10) feet from street rights-of-way if the height of the sign exceeds twenty-five (25) feet. Signs shall be set back a minimum of (10) feet from side or rear lot lines if the adjacent property is zoned residential or is used for residential .

(2) *Attached signs.* The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or seventy-five (75) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.

(d) *Expressways.*

(1) *Freestanding signs.*

- a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage. Additional freestanding signs are permitted with a minimum spacing of every one hundred and fifty (150) linear feet. Additional freestanding signs shall not exceed seventy-five (75) percent of the allowable height and size set out in Tables 2 and 3 of this Article, except as described in section 28-241(c)(1)b. below.
- b. Where the primary use of a lot is automobile sales, one (1) freestanding sign shall be permitted for each

one hundred and fifty (150) linear feet of street frontage in accordance with Table 2. The maximum height and size for all allowed signs on lots where the primary use is automobile sales shall be in accordance with Table 2 or 3, whichever applies. On lots with frontage on more than one (1) street, the same shall apply for each street.

- c. Signs shall be setback a minimum of ten (10) feet from street rights-of-way if the height of the sign exceeds twenty-five (25) feet. Signs shall be setback a minimum of (10) feet from side or rear lot lines if the adjacent property is zoned residential or is used for residential.
- (2) *Attached signs.* The aggregate area of all attached signs shall not exceed twenty-five percent (25%) of a building facade or one hundred (100) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.
- (e) *Special regulations for nonresidential zoning districts.*
- (1) *[Menu boards.]* Menu boards shall be oriented to internal vehicular traffic and shall not be directed to traffic on adjacent streets.
 - (2) *Fuel price signs.* In addition to other authorized signs, service stations shall be allowed one (1) sign on each pump island identifying only the type and price of fuels. Each sign shall not exceed eight (8) square feet in area. If attached to a freestanding sign, the area of the fuel price sign shall be counted toward the allowable area for the freestanding sign.
 - (3) *Wall signs.* Wall signs shall project no more than eighteen (18) inches perpendicular from the wall. Signs on a wall of a building which is on the property line may project eighteen (18) inches over the property line.
 - (4) *Projecting signs.* Projecting signs may extend into the public right-of-way from the building facade for a maximum distance of eight (8) feet or a distance equal to two-thirds ($2/3$) the width of the abutting sidewalk, whichever distance is greater. However the horizontal clearance between any portion of the sign and the curb line shall not be less than two (2) feet. Projecting signs shall not exceed one hundred and fifty (150) square feet in sign area and shall be a minimum of eight and one-half ($8\frac{1}{2}$) feet above the adjacent sidewalk.
 - (5) *Awning, canopy, marquee signs.* These signs shall comply with the latest adopted Uniform Building Code for construction requirements.

- (6) *Incidental signs.* Incidental signs may be erected on any platted lot without limit to number, provided the signs do not exceed thirty-two (32) square feet in area or eight (8) feet in height.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-242. Temporary displays.

(a) *Inflatables.* The temporary display of inflatables is permitted for a maximum period of twenty-one (21) days per calendar quarter per platted lot. Inflatables shall be limited to a height of thirty (30) feet for the inflatable device, not to include the height of any building or structure on which it might be placed.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-243. Prohibited signs.

(a) Notwithstanding any provisions of this article, no sign shall be erected which constitutes an obstruction to the view of operators of motor vehicles on public streets or entering such streets from private property as determined by the director of public works.

(b) No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted, nor shall any sign be made to resemble a traffic control sign.

(c) Signs which encroach or project over public property or right-of-way, except as expressly permitted by this division.

(d) Portable signs.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-244. Sign master plan development agreement

(a) *Purpose.* Designation of an area for a Sign Master Plan will allow flexibility in signage location in exchange for a cumulative reduction in both total sign area and sign height within the master plan area.

(b) *Requirements.* Commercial property owners who want more flexibility in locating on-premises signs can do so by entering into a Sign Master Plan Development Agreement.

To qualify for a Sign Master Plan an area must:

- (1) Include two (2) or more contiguous lots, which may be separated by a street or drainage rights-of-way, that are not included in any other Sign Master Plan Development Agreement.

- (2) The owners of all lots within the Sign Master Plan Development Agreement must agree in writing that neither they nor their successors in ownership shall exceed the maximum height, square footage and number set out in this article on any of the lots within the plan.
- (3) All existing signs within the Sign Master Plan Development Agreement must be in conformance with this article.

Once approved, the applicant's Sign Master Plan area will be defined as a single premises for the purpose of determining whether a sign is an on-premises sign. A sign which advertises a use on a lot within the plan area which is not a use which occurs on that lot shall be termed a Sign Master Plan (SMP) sign. The use advertised on an SMP sign shall be termed an SMP use.

The square footage and height of an SMP sign shall be subtracted from the square footage and height of the allowable on-premises signs on the lot where the SMP use occurs. In no case shall the square footage, height and number of signs on any lot in a plan area exceed the maximum amounts allowed in this article.

(c) *Submittal requirements*

- (1) A Sign Master Plan must be submitted to the director of building inspections for approval.
- (2) All land owners included in the Sign Master Plan must submit:
 - a. A letter signed by all the property owners in the plan area agreeing to the terms of the plan and that they and their successors will abide by the plan.
 - b. A site plan showing the Sign Master Plan area boundaries
 - c. A site plan showing the location of all signage.
 - d. A table showing the square footage and heights of all signs throughout the plan by lot.
- (3) The director of building inspections shall forward the SMP Sign Master Plan Development Agreement to the board for final approval.

(Ord. No. 81318, § 3(Att. 1), 12-8-94)

Sec. 28-245. Nonconforming sign abatement.

(a) *Continuance.* Any nonconforming sign may be continued in operation and maintained after the effective date of this division; provided, however, that no such sign shall be changed in any manner that increases its noncompliance with the provisions of this

division; and, provided further, that the burden of establishing such a sign to be nonconforming under this section rests entirely upon the person claiming nonconforming status.

- (1) *Freestanding signs.* Freestanding pole signs that are nonconforming due to square footage, height, or spacing requirements may be refaced and/or have general maintenance performed as defined in this chapter. In general, whenever the sign cabinet is removed it shall, at that time, lose its nonconforming status; however, the sign cabinet, if of exceptional height, size or unusual shape, may be lowered to the ground to facilitate the above mentioned general maintenance and/or refacing due to property or personnel safety consideration considerations, if first approved by the director of building inspections. The contractor shall submit a written request, prior to removal of the sign cabinet, outlining the proposed work to be performed, dates for accomplishment of same and property or personnel safety considerations involved. If approved, the contractor shall be issued a basic sign inspection permit and shall request an inspection on said permit when the sign cabinet is first taken down and again just prior to re-installation. When the sign cabinet is first lowered to the ground, the license holder of record for the company shall submit a written assessment to the director of building inspections as to the structural integrity of the sign cabinet and its structural supports. If it is determined that the sign cabinet or structural supports are not structurally sound, the sign shall, at that time, lose its nonconforming status as outlined in Section 28-245(b)(3). In addition, failure to gain approval and have the sign inspection permit issued prior to the sign cabinet being taken down shall cause the sign to lose its nonconforming status. Replacement of structural supports, poles, cabinet sheet metal, etc., that could be considered rebuilding the sign shall be prohibited.
- (2) *Multi-tenant signs.* Freestanding, multi-tenant pole signs that are nonconforming due to square footage, height, or spacing requirements may be refaced and/or have general maintenance performed as defined in this chapter, on the existing sign cabinets. Whenever any sign cabinet is removed, as defined in this chapter, it may only be reinstalled if it is in conformance with the provisions of Article 28-239, Table 3 pertaining to multi-tenant signs, for example, height of the sign cabinet and total square footage of the multi-tenant sign.

In general, whenever a nonconforming sign cabinet is removed, it shall, at that time, lose its non-conforming status; however, the sign cabinet, if of exceptional height, size or unusual shape may be lowered to the ground to facilitate the above mentioned general maintenance

and/or refacing due to property or personnel safety considerations, if first approved by the director of building inspections, as set out in Section 28-245(a)(1).

Commentary:

It is the intent of this section for nonconforming signs to continue in existence for the usable life span of the sign and not have its years of noncompliance increased through reconstruction.

(b) *Termination.*

- (1) *By abandonment.* Abandonment of a nonconforming sign shall terminate the right to maintain such sign in accordance with the abandoned sign procedure of this Code chapter.
- (2) *By violation of sign provisions.* Any violation of these provisions shall terminate immediately the right to maintain a nonconforming sign.
- (3) *By destruction, damage or obsolescence.* The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the device is damaged or destroyed from any cause whatsoever and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of the sign on the date of such damage or destruction; or whenever the device becomes obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger.

(Ord. No. 81318, § 3(Att. 1), 12-8-94; Ord. No. 83198, § 1, 11-16-95)

Sec. 28-246. Appeals and variances to Article IX of Chapter 28 of the City Code.

(a) Variance requests shall be made in accordance with section 247 of Chapter 28. No variance shall be granted that would eliminate the distinctions between sign types and sizes by zoning district, street classification or like areas of legislative prerogative.

(b) Any decision based on an interpretation of Article IX made by the chief electrical inspector, hereinafter called the inspector, may be appealed. The board of adjustment hereinafter called the board, may hear the arguments in favor and against the decision made by the inspector, from the party requesting the on-premises sign permit, or any interested party. After hearing the parties, the board shall make a recommendation to the director of building inspections, hereinafter called the director, to either uphold or to modify the inspector's decision. If the board decides to recommend modification of the inspector's decision, it shall submit the basis for the recommendation to the director in writing. The director shall then make a final determination whether to uphold or modify the inspector's decision.

(c) The recommendation to grant or the recommendation to modify the interpretation of the inspector, or the recommendation to grant a variance shall require a three-fourth (3/4) vote in favor of the appellant by the appointed members of the board. In no event shall the board conduct business with less than nine (9) appointed members present.

(d) The board may vote on both variance and interpretations by voice vote provided that a roll call vote shall be taken upon the request of any board member. The board member presiding shall vote on all such matters unless otherwise prohibited by law.

(Ord. No. 81318, § 3(Att. 1), 12-8-94; Ord. No. 82650, § 1, 8-17-95; Ord. No. 83198, § 1, 11-16-95; Ord. No. 87324, § 1, 2-5-98)

Sec. 28-247. Variance and appeals procedures.

(a) Any person seeking a variance from the requirements of this article shall submit a written request along with a \$300.00 fee to the department of building inspections. Upon receipt of the variance request and fee, the variance request shall be placed on the first open date on the board's docket.

(b) The board may recommend that a variance be granted from the application of this article if it finds that:

- (1) The variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography; or
- (2) A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property; and
- (3) After seeking one or more of the findings set forth in subparagraphs (1) or (2), the board finds that:
 - a. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and
 - b. Granting the variance will not have a substantially adverse impact upon neighboring properties; and
 - c. Granting the variance will not substantially conflict with the stated purposes of this article.

(c) Upon hearing the variance request, the board shall recommend to the director to either grant or deny the variance. The director shall then consider the board's recommendation and the factors

delineated in Section 28-247(b) and then make a final determination whether to grant or deny the variance.

(d) The director shall determine whether to grant or deny the variance within sixty (60) days of the proper filing of the variance request and fees. If the director fails to make a determination in the time prescribed in this subsection, the variance shall be deemed granted unless the applicant expressly waives the time deadline requirement in writing.

(e) The party seeking the variance request, or the owners or lessees of property lying within one thousand (1,000) feet of any point of the lot or portion thereof on which a variance is desired, may appeal the decision to grant or deny a variance. An appeal to the city council shall be initiated by filing a letter and a \$300.00 fee with the city clerk within five (5) working days after a decision of the director indicating that the applicant seeks to appeal the decision of the director to the city council. The city council shall consider all the circumstances of the variance request, including the factors outlined in this variance provision, and make its determination by simple majority vote. If the city council has not acted on the appeal on or before the 60th calendar day after the date the request was filed with the city clerk, the decision of the director shall be final.

(f) Public notice of variance request before the board or an appeal before city council shall be given by publication one time in a paper of general circulation in the city, stating the time and place of such variance request or appeal which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto, notice of such variance request or appeal shall be mailed to the applicant and to the owners of property lying two hundred (200) feet of any point of the lot or portion thereof on which a variance is desired, as well as to all other persons deemed by the board to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

(g) A party who seeks to appeal an interpretation of Article IX shall submit a written request along with a \$150.00 fee to the department of building inspections. Upon receipt of the appeal request and the fee, the appeal shall be placed on the first open date on the board's docket. An appeal to the city council shall be initiated by filing a written notice and a \$150.00 fee with the city clerk within five (5) working days after the director makes a final determination. The city council shall make its determination by simple majority vote. If the city council has not acted on the appeal on or before the 60th calendar day after the date the request was filed with the city clerk, the decision of the director shall be final.

(h) Public notice of an appeal of an interpretation of Article IX to either the board of adjustment or city council shall be given by publication one time in a paper of general circulation in the city, stating the time and place of the appeal which shall not be earlier than ten (10) days from the first date of such publication.

(Ord. No. 81318, § 3(Att. 1), 12-8-94; Ord. No. 82650, § 2, 8-17-95;
Ord. No. 83198, § 1, 11-16-95)